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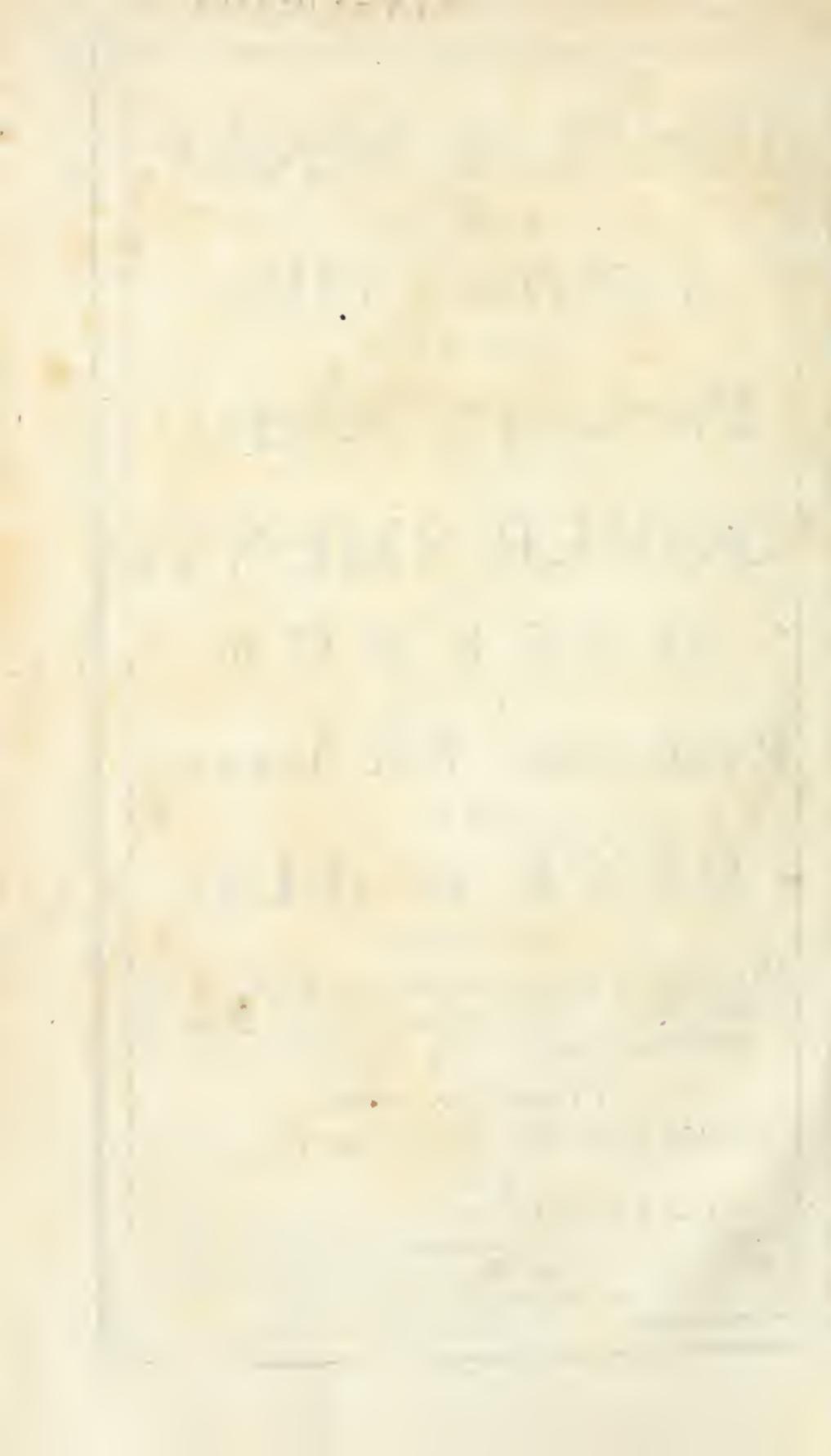


THE
Finishing Stroke.
BEING A
VINDICATION
OF THE
Patriarchal Scheme
OF
GOVERNMENT,
IN
DEFENCE
OF THE
REHEARSALS, Best ANSWER,
AND
BEST of ALL.

WHEREIN
Mr. Hoadly's Examination of this Scheme in his
late Book of the Original and Institution of
Civil Government, is fully consider'd.

To which are Added,
REMARKS on Dr. Higden's late DEFENCE,
IN A
DIALOGUE between Three H—'s

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and Westminster. M DCC XI.



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FINISHING STROKE.

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T H E

THE
FINISHING STROKE
IN
ANSWER
TO
The Original and Institution
OF
Civil GOVERNMENT, Discussed, viz.
*An Examination of the Patriarchal
Scheme of Government, &c.*

(I.) **I**T is common in formal Disputes to begin with Explaining the Terms. The chief Term here to be Explained is the Word *Civil*, what is meant by *Civil Government*. We describe *Government* among us under Three Denominations, of *Ecclesiastical*, *Civil*, and *Military*. The *First* is of the *Church*, relating to *Spiritual* things, for the

B

2 *The Finishing Stroke, &c.*

Salvation of our Souls. The Second is to make *Laws* and Determin *Disputes* about *Meum* and *Tuum*, *Liberty* and *Property*, in a *Peaceable* Manner. The Third is when Subjects *Rebel*, then the *Civil Government* must be Enforced by *Arms*. And this is *Civil Government* still, only in another Form.

All these were Originally in the same Person, in *Adam*, and the *Patriarchs*, and in *Moses*. And even among the *Heathens*. The *Emperour of Rome* was likewise *High-Priest*. But under the *Law* the *Ecclesiastical Regiment* was put into the Hands of the *High-Priest* and the *Levits*, and the *King* was no longer *Priest*. And thus it Continues under the *Gospel*. But the Powers *Civil* and *Military* always were and still are United in the *King*, as being indeed but a different Exercise of the same Power. So that *Ecclesiastical* and *Civil* are the only proper Distinctions of *Government*. That is, *Spiritual* and *Temporal*.

(II.) Now the present Dispute with Mr. HOADLY is only about *Civil Government*, properly so Called; And whether this was given to *Adam*? God said, Gen. iii. 16. That *Eve* should be *Subject* to *Adam*, and that he should *Rule* over her. And what sort of *Rule* or *Dominion* this was, is all the Question. It was some sort

sort of Government. If it was *Ecclesiastical*, as He was Priest to Her, and Guide in *Religion*; or *Military*, in Case of a Quarrel, and that she had Disputed the *Dominion* with Him; yet most properly it was a *Civil Rule* and Government which He had over Her.

Mr. HOADLY says, it was a *Marital Authority* he had over her, and *Paternal* over their *Children*. Well. It was so. But what is this *Marital* or *Paternal Authority*? It is some sort of *Government* or other. And it is a *Civil Government*, most Properly so Called. If you will have it *Ecclesiastical* and *Military* too, with all my Heart. But surely it is most Properly a *Civil Government*, at least as Properly as either of the other.

And *Civil Authority* does not alter its Nature whether it be among *Many* or *Few*. A Master has the *Government* over *One Servant* as well as over *More*. And when God gave to *Adam* the *Dominion* over *Eve*, ther was *Civil Government* E-
stablished betwixt those Two. The En-
crease of Subjects to *Adam*, was but *Civil Government* still, tho' over more.

(III.) The next thing to be Enquir'd is, the Extent of *Civil Government*. And whether this *Civil Government* of *Adam* over his *Wife* and their *Descendants* did

4 *The Finishing Stroke, &c.*

Reach to *Life and Death*, and was *Supreme* and *Unaccountable*, as all *Supreme Powers* are now upon Earth?

To which it is said, *Rehears. Vol. 1. N. 56. Best Answer*, §. xiv. p. 42. and *Best of All*, §. xv. p. 22, 23. That that *Civil Power* is *Supreme* and *Absolute*, where ther is no *Civil Power Superior* to it. And that this must be the *Case* as to the *Civil Power* which God placed in *Adam*.

This is the Reason given for the *Supremacy of Adam*. And to this Mr. HOADLY has not said one Word, nor taken the least Notice of it in all his great *Book*.

But instead of that, he dwells upon Circumstantial, as whether *Cain* was Proscrib'd by *Adam*, or immediately by God Himself? Which makes nothing to the Matter one way or other; unless he thinks that the *Supremacy of Adam* did Supersede the *Supremacy of God*! Which Sense he dares not put upon that Author. But the *Rehears. Vol. 1. N. 56.* having Mentioned the Proscription of *Cain* by *Adam*, as a thing Probable or Reasonable to suppose, (which might be, tho' God had Pronounced the Sentence of being a *Vagabond* against him, and might have been this way fulfilled) Mr. *Hoadly* spends many Pages and great Pains to prove that *God* did Pronounce this Sentence against *Cain*, and that his *Proscription*, meerly of it self, did

did not Prove the *Supremacy* of *Adam*. Which that Author never thought, nor did he Produce this Instance for that Purpose. But gave his Reason for the *Supremacy* of *Adam*, from his having under God no *Superiour*, and Quotes Bishop *Overall's Convocation Book* giving the same Reason, and for that very Reason calling the Power of *Adam*, *Patriarchal*, *Regal*, or *Imperial*. All which is passed over by Mr. *Hoadly*, and he will have that Author's *Reason* to be, what he never gave for a *Reason*! This is his Method of *Answering*! And by which he has Swelled his Book to a Huge Volume, by Studiofly Avoiding the Question, Haranguing long upon each Circumstance, and Repeating it *Twenty* Times over under several Heads! To prevent which, the whole Matter was given him very short in *Best of All*, the Heads only set down, without any Circumstance almost Mentioned, with the Plain downright *Reason*, and no more. And this was sent to him last, that he might not Stray or Mistake. But he was Reolv'd upon it, and all Attempts to hinder him Prov'd in Vain!

(IV.) In the first Page of his *Contents* he says,

Here it is Proved,

That the *Subjection* and *Inferiority* of *Eve*, imply nothing of *Civil Government* in *Adam*. p. 7.

That the *Obedience* of *Children*, and the *Injunctions* laid upon them by *Almighty God*, have no proper relation to *Civil Government*. p. 8, 11.

Here I thought to find something to the Matter, but Reading over the Pages refer'd to, ther was no more but this, That the Authority of *Adam* over *Eve*, and over their *Children*, was the Authority of a *Husband* over his *Wife*, and of a *Father* over his *Children*. But as to the two Points, *First*, whether this was not a *Civil Authority*? *Second*, whether it was not *Supreme* in *Adam*, because he had no *Superior*? To the *First* he Answers, That the Authority of *Husbands* and *Fathers* among us is not a *Civil Authority*, because ther is a *Superiour Civil Authority* in the Nation. As if ther could not be a *Subordination of Civil Authority*! We may as well say, ther is no *Subjection* among *Men*, because all are *Subject* to *God*.

(1.) But as to the *Second*, he says, That we must Measure the Authority of *Adam*, who had no *Superiour*, by the Authority of *Husbands* and *Fathers* among us, who have *Superiours* in *Civil Government*. Here I must Quote, that the Reader may not think

think I Mistake, or foully Belye him. These are his Word, p. 7.

“ If therefore the *Subjection* which the
“ *Apostle* layeth upon *Wives*, makes not
“ their *Husbands Civil Magistrates*, neither
“ will the *Subjection* of *Eve* (from which
“ the *Apostle* argues) make *Adam* a *Monarch*.

To which I say, That the *Subjection* which the *Apostle* layeth upon *Wives* does make their *Husbands Civil Magistrats*, but not *Supreme*, because there is a *Superior Civil Government* over them. But that the *Subjection* of *Eve* to *Adam* did make him a *Monarch*, because ther was no other *Superior* to *Him*.

That *Husbands* and *Fathers* are not called *Civil Magistrats* in our *Laws*, is only because that Term is Appropriated in *Law* to such *Authority*alone which is Derived wholly and solely from the *Crown*, and *Created* by it. But the *Authority* of *Husbands* and *Fathers* being Founded and Establish'd from the Beginning by *God Himself*, they are *Civil Magistrats* of *God's own Making*, with full *Authority* in all *Civil Causes*, even to *Life* and *Death*, every *Pater-Familias* over his own *Family*, all *Subject* to the first *Father*. And *Bodinus* (de *Repub.* l. 1. c. 4.) thinks it an Error in the latter *Civil Governments* to have Abridged this *Absolute Authority* of every *Father* in his own *Family*, as Encouraging the *Disobedience* of *Chilaree*, &c.

which he says was not wholly taken away till Constantine the Great. And he Quotes a Speech of Seneca to Nero, telling him ther had been more *Parricides* during the Government of his Father, than from the first Building of *Romè* to that time, which was occasioned by the Enervating of the *Fatherly Authority*, which had all along before Prevailed, and that no more Equal Judge could be supposed over *Children* than their own *Father*, whose *Authority* was *Founded* in the *Laws* of *God* and *Nature*. The Son that was *Stubborn* and *Rebellious* against his *Father* was to be *Stoned*. Deut. xxi. 18. &c. And Bodin thinks the *Father* bringing his *Son* before the *Elders* of his *City*, was only that they should *Execute* the *Sentence* of the *Father*, and for *Example* to others, as it is there *Expressed*, ver. 21. And likewise to prevent a *Father's* killing his *Son* in a *Passion* without due *Consideration*. Which yet seldom happens: For *Love* *Descends*. But ther are many more Examples of *Children* who *Disposeſſ* and even *Destroy* their *Fathers* to ſeize on their *Inheritance*. Therefore *Children* are more safe under the Government of their *Father*, than the *Father* would be, if his *Authority* over them is *Weakened*. Wherefore Bodin blames the *Avarice* and *Ambition* of *Civil Courts*, who ſeek to Extenuate this *Authority* of the *Father*

Father, and draw every thing under their own Cognisance. And shews it to be greatly Prejudicial to *Human Society*. How *Unnatural* is it to see a *Son* Suing his *Father* in a *Civil Court*? Whereas from the Beginning, and in all *Nations* (many of which Bodin Names, the *Greeks*, *Romans*, *Persians*, both *Indies*, &c.) the *Son* was the *Property* of his *Father*, and all his *Acquisitions* did Accrue to his *Father*; who might Sell him at his Pleasure, and if *Manumitted*, or that he Purchased his own *Liberty* from his *Master*, yet his *Father* might Sell him over again, and again. He could by no means be freed from the *Authority* of his *Father*. And might be *Sold*, like his other *Goods*, for his *Debts*, even after his *Death*. As we may see, 2 *Kin.* iv. 1. See also *Matth.* xviii. 25.

Aristotle (*Polit.* lib. 1. c. 1. and 2. &c.) calls the *Pater-Familias* ο *Bασιλεύς* the *King* of the *Family*, with full Power over his *Wife* as well as *Children* and *Servants*. He says the *Wife* was reckoned as a *Servant*. (Contrary to Mr. *Lock* who would have the *Wife* of Equal Authority with the *Husband*, because it is said, *Honour Father and Mother*.) And where the *Family* was Large Aristotle calls it a *City*. He says, ther is no difference betwixt a large *Family* and a little *City*, where many *Familts* were under one. And he says the *Government*

vernment was perfectly Monarchical, and that it was so from the Beginning in all Cities and Countrys in the World before the Grecian Common-wealths were set up. Τὸν ἐβασιλεύοντα ἀπόλετον, καὶ τὸν ἐπὶ τῷ ἐθνῷ. And that the Succession of the Government was in the Primogeniture. πᾶν δικαία βασιλεύεται ὑπὸ τῆς πρεσβυταρίας.

And Cicero says (de Legib. l. 3.) *Omnes antiquae Gentes Regibus quondam paruerunt.* That all the Ancient Nations were once under Kings. And Justin begins his History with these words, *Principio rerum, Gentium Nationumque Imperia penes Reges erant.* That in the Beginning of things, the Government of People and Nations was in Kings.

This was the Fatherly Authority, of which Quintilian says (Declam. 6.) *Pater jussit; hoc nomen omni Lege Majus est. Ius Nobis vitæ necisque concessum est.* That the Command of the Father is above all Laws, and Extends to Life and Death.

And Cæsar says (de Bell. Gall. lib. 6.) *Viri in uxores, Sicuti in Liberos, vitæ Necisque habent Potestatem.* That Men had Power of Life and Death over their Wives as well as their Children.

And we find their Guilt punish'd by God Himself upon their Wives and Children. Num. xvi. 27. 32.

The full and Absolute Power of the Father is plainly shewed in *Lot* exposing his Daughters to save his Guests. In *Jephthah* Sacrificing his Daughter. And *Abraham* his Son *Isaac*. In *Judah* Condemning his Daughter *Tamar*. And in *Reubens*'s saying, *Slay my two Sons.* Gen. xlvi. 37.

These three last are mentioned in the Rehearsals.

(2.) But Mr. *Hoadly* takes Notice only of *Judah* and *Tamar*. And says, p. 19.

“ It doth not at all appear that *Judah* “ was so *Absolute* as that he could have “ done what he pleas'd even with his “ own *Relatives*.

This is boldly Denying the Instance, which yet he cannot Deny! But he goes on,

“ It doth not follow that because He “ Ordained the Common Punishment of “ a *Crime* to be inflicted on a *Criminal*, “ therefore He had Authority to inflict “ the same upon those who were not “ *Criminal*.

But was not he *Judge* whether she was *Criminal* or not? And it falls out unluckily for Mr. *Hoadly*, that she was not *Criminal* in the Sense *Judah* understood it. Wherefore he Acquitted her, and took the Blame upon Himself, and said, *She hath been more Righteous than I.* Gen. xxxviii. 26.

But

But Mr. *Hoadly* has more to say yet. He says,

“ It doth not appear that he did, by
“ any *Absolute Power*, ordain this Punish-
“ ment (*i. e.* of *Burning* her) It was,
“ more probably, a *Customary*, which a-
“ mounts to a sort of *Legal Punishment*,
“ known and expected. And if a Head
“ of a Family did, amongst his own Re-
“ latives, execute such Punishments for
“ *Crimes*, as were commonly annexed to
“ them ; it doth not follow that He could
“ have *Arbitrarily* impos’d any other.

That is, He might *Burn* her without
being *Arbitrary*, but he could not have
Hanged or *Drowned* her, without being
perfectly *Arbitrary*! But you shall have
All he says. He flies from this to another
Topic, and says, p. 20.

“ This *Instance* will be but of little
“ Service to *Adam’s Authority* over all his
“ *Descendents*. For *Judah* left his *Father*
“ and his *Brethren*, and Governed, by his
“ own Right, his own Family.

Right. This is the very thing I am
Pleading for. That the Authority of a
Father is *Civil Government*; and *Absolute*
where there is no *Superior Authority* to
Controul it. Nor does this hinder *Adam’s*
Power over all his *Descendents*. For every
Father having Power over his own *Chi-
ldren*, implies his Subjection to his own

Father

Father, and so upwards to *Adam*, who had the Supreme Authority over them All. Only where the Superior Father did not interpose, the Power of each *Father* was *Absolute*, and *Incontrollable* by any of his *Descendents*. Ther are Tributary *Kings* who have *Absolute* Power in their own Dominions, and yet are Subject to an Higher *King* or *Emperor*, who has as *Absolute* an Authority over them.

(V.) And now I think here is a full Answer to all Mr. *Hoadly*'s Book. For from the Beginning to the End of it he goes all along upon the Government of *Adam* being that only of an *Husband*, or a *Father*: That this was no *Civil Government*: And consequently that *Civil Government* must have another Foundation: And that this can be no other than the *Election* of the *People*.

But if I have proved, That the *Government* of *Adam* was truly and properly a *Civil Government*: And that the *Marital* or *Parental Government* is such: And that it is *Supreme* where ther is no *Superior*: Then ther is an utter End to all that Mr. *Hoadly* has said.

The Progress of the Dispute is Directly this, and no more.

Rehearsal, The *Paternal* is a *Civil Authority*.

Hoadly.

Hoadly. I say it is *Paternal.*

Best Answer. But I say with the *Rehearsal*, That the *Paternal* is a *Civil Authority*.

Hoadly. I say it is *Paternal.*

Best of All. No doubt *Paternal* is *Paternal*. But do you Deny that the *Paternal* is a *Civil Authority*?

Hoadly. I say it is *Paternal.*

If Mr: *Hoadly* can shew any other *Answer* he has given, then I have Wrong'd him.

And this was the very *Heart* of the *Cause*, the *Reason* given, *Repeated* and *Press'd*; But to no more Effect than I have told you!

If he had thought of this, what Pains might he have sav'd in Proving his *Independent State of Nature*, which he Labours from p. 145. quite through to p. 200. All *Labour in Vain*, till he proves the *Paternal* not to be a *Civil Authority*. For if it is, then *Civil Authority* was first Erected in *Adam*. And if every *Civil Authority* is *Supreme* where ther is no *Superior*, then *Adam* was the *Supreme Civil Governor*, Call him *King* or *Emperor* or by what other Name you please. And what then becomes of your *Independent State of Nature*? And how was the first *Civil Government* Erected by the *Choice* of the *People*? And when was the Time when ther was no *Civil Government*

Government in the World? Which must be supposed before we can make the *People* the *Original of Government*.

(VI.) But let us see the Method in which he would Prove this *Independent State*. And first for the Times before the *Flood*, because he must go so High to find the *Original of Government*, and Consequently shew the *Time* when ther was no *Civil Government* in the World. And the first *Topick* he lays down to Prove this, is p. 145. in these Words,

(1.) "There is no Necessity at all that such a *Time* should be Named; nor doth the *Truth* or *Falſhood* of this *Scheme* at all depend upon the Naming or not Naming it: Because there *might* be such a *Time*, and yet not Marked precisely in those short Accounts of the first Ages, which are transmitted to us by *Ancient Historians*, whether *Sacred* or *Profane*.

(2.) But do any of the *Profane Historians* go so High? No. For he says, p. 146.

"And as for the *Profane Historians*; supposing that they give us no Accounts of any such *Time*, it is Manifest that their *Histories* go not so High as the *Confusion of Languages*, and *Division of Nations*:

The *Supposing* that they give no full Account looks indeed as if it were *Needless*, when in the same Breath you tell that it was *Impossible*, because their *Histories* did not go so High! What use then was ther in Mentioning these *Profane Histories* at all? You brought them in, that you might turn them out! But it makes the *Period* run more *Roundly*— *All Ancient Histories Sacred and Profane*— One for *Sense*, and one for *Rhime*—

(3.) Well, but what says the *Sacred History*? Does it tell the *Time* when ther was such an *Independent State* before the *Flood*? No. He owns it does not. What then? How does he Prove it from the *Sacred History*? He says, as above Quoted, That it *Might* have been there; or *Might* have been, tho' it is not Mentioned there. This is a Matchless *Proof* indeed! But then he turns the Tables upon us, and says,

p. 147.

(4.) “For supposing (*says he*) on one Side, that no such *Time* can be Pointed out; it is Evident, on the other Side, that there is no express Account given in the *Sacred History* of God’s Institution of *Civil Government*: And so, both these Schemes are upon a Level, with respect to this:

This is *Compounding*. All that is meant in it is, That the *Government* which was given

given to *Adam*, was no *Civil Government*: Of which Sufficient has been said already. But if it was a *Civil Government*, as most certainly it was, then Sir, by your good Leave, these two *Schemes* do not stand upon a Level. For the *One* is expressly Mentioned in the *Sacred History*, and of the *Other* ther is not one Tittle.

And *Civil Government* having been thus Instituted at the First, as we have seen, if it had been *Lost* afterwards or *Justled* out, and the *World* turned to an *Independent State*, it would have been so Wonderful and Remarkable a *Revolution*, that it is Impossible the *History* of those Times could have Misled it. As if *England* should throw off all *Government*, and turn into an *Independent State*, is it Possible the *History* of that *Time* should not mention it? Could it be done in an Instant, or with a *Whisper*, like the two *Kings* of *Brentford*, and no *Body* know of it? Would ther have been no *Wars*, no *Strugle* in such a *Cafe* worth Mentioning?

(5.) Well, but Mr. *Hoadly* has another Shift (for he was pretty Sensible this would not do) he says, p. 148. Suppose *Adam* was *de Facto* *Universal King* or *Monarch*; yet who knows but he was an *Usurper*? Why, Mr. *Hoadly*, would you like him the Worse? — Gentlemen, do not *Laugh* — I profess I do not *Wrong* him:

Believe your own Eyes. I pray Read over that *Page*. His Words are these,

“ Supposing therefore that *Adam* was
“ *Universal Monarch*, or *Civil Governour*,
“ over the whole Race of Mankind, du-
“ ring his long Life; this will not Prove
“ he had a *Divine Right* to be so.

Will it not? Then I am sure no *After-
King* can Claim it. Mr. *Hoadly* hates this
Divine Right in his Heart! But if *Adam*
had not *Divine Right*, what *Right* had he?
How came he by the *Government*? Mr.
Hoadly tells in the next Words, he says,

“ That *Might* proceed from his taking
“ upon himself that *Office*, and *Establi-
“ shing* himself in it by *Degrees*; or from
“ the *Tacit* and general *Consent* of his *De-
“ scendents* for their own *common Good*. If
“ merely from his own *Will* and *Power*,
“ this is barely *Possession*, which those who
“ *Object* this, will not allow at *First* to
“ *Convey* a true *Right*, or *Title*.

No. Not at *First* — And therefore I
will Allow Mr. *Hoadly* that *Adam* had
no *Right* against any *Pre-Adamite* *Clai-
mer*. But he came to this *Power* by
Degrees! His *Descendents* indeed, or *Sub-
“ jects* (as these *Jure-Divino-Men* foolishly
call them) did *Encrease* by *Degrees*. But
he was not *King* till he had their *Consent*!
No. At least a *Tacit Consent*, says Mr.
Hoadly. And he is certainly in the Right
of

of it. For every one gave That as soon as he was Born! Unless *Crying* does Argue a *Dissent*! And every one giving this *Consent*, it was a *general Consent*, and for their *common Good*! But Mr. *Hoadly* will not be put off so. He still stands to his Point. And says in the next Words,

“ And notwithstanding that he (*Adam*)
“ was *Universal King* before any *Compact*,
“ yet this will not Prove that He was
“ *Rightfully* so, or that there is any other
“ *Rightful Title* to *Civil Government*, but
“ what is Founded upon *Compact*, in the
“ ordinary Course of things.

Indeed the *Creation* of *Adam* was a little out of the *Ordinary Course* of things! But was not He therefore a *Rightful King*? Poor *Adam*! Little did he think to have had his *Title Disputed* by one of his *Descendents* *Five Thousand Years* after he was *Dead*! But Mr. *Hoadly* goes on. He says,

(6.) “ If his *Monarchy* were founded upon, and Supported by the *Tacit Consent* of his *Descendents*; this amounts to such a *Compact* as I am now Defending.

And is it no more that you are Defending? Will such a *Tacit Consent* *Found Government*? Is this then the *Original*? But this supposes *Government* to be *Founded*; and the *King* in *Actual Possession* before any such *Consent* given. Therefore such a *Con-*

sent cannot be the *Foundation* upon which *Government* is Built. And if *Tacit* will do, then the *Mutes* of the *Grand Seignior* are the most *Free Subjects* in the *World*, and *Chuse* their *King* by saying — — *Nothing*! If you say the *Grand Seignior* was *King* before. So was *Adam*. And all his *Descendents* and *Subjects* were *Born Mutes*. See now to what a fine Condition Mr. *Hoadly* has brought our *Liberty* and *Property*, and the *Original Power* of the *People* to *Found Government*! But he Sticks to his Tackle. And all the *World* shall not make him give Back one Inch! He *Cares* not whether his *Scheme* holds or not; he is sure of the *Conclusion*, whatever becomes of the *Premisses*! For thus says he in the next Words,

(7.) “Whether therefore there ever was
“one *Hour* without *Civil Government*, or
“no; whether there ever was a *Com-*
“*pact* actually made in any one Place in
“the *World*, or no: Yet this *Judgement*
“*May* stand good, that there cannot be
“a *Right to Government*, properly so cal-
“led, without the *Consent* and *Agreement*
“of the *Community*, and *Society* which is
“to be *Governed*.

You say it *May be*, as you say *Adam* might *Usurp*. You love these *Mights* and *May be's* Dearly! They keep you *Loose*, that one cannot *Fix* You. Yet you frequently

quently call these *Proofs* and *Demonstrations*! And thus you have Clear'd the Point! Tho' a full *Answer* to all you have said might be, That what *May be*, *May not be*. And so Leave you where we Found you.

But I cannot Agree to your last *May be*, for several Reasons, and First, because it is *Impossible*— For if ther never was one *Hour* wherein ther was not *Civil Government*, then ther could be no *Independent State*: And if ther never was a *Compact* in any Part of the World, then *Government* could not be by *Compact*, and Consequently not by the *Consent* and *Agreement* of the *Community*.

Unless you mean, That they did *Consent* to *Submit*, or did willingly *Obey* their *Governours*. And if this be what you call the *Consent*, or *Agreement* of the *People*; And if this makes them the *Original* of *Government*, it will make them the *Original* of *God* too, for they ought to *Consent* and *Agree to Serve Him*.

But, Mr. *Hoadly*, tell me, in good *Ernest*, was this all the *Consent* of the *People* you Intended as *Necessary* to *Government*? Why then do you draw *Straws* before those *Silly Animals* that are *Deluded* by you? Why do you go a *Fishing* for an *Independent State of Nature*, to make them believe they were before the first *King*,

and that all *Kings* do hold their *Authority* from *Them*, and are *Accountable* to *Them*? Was it this *Consent* of *Duty* and *Obedience* only, which makes any *Government*, even that of *Adam* himself, a *Rightful Government*, and for want of which you suppose that *Adam* *Might* have been an *Usurper*, and had no *Right*? This *Consent* whoever Denys to a *Government* is a *Traitor* and a *Rebel*, then it could not be this *Consent* which did *Constitute* the *Government*. Men may Refuse their *Consent* to Obey *God*. Is it their *Consent* therefore that makes *God*? But *Consent* is *Consent*! And so you *Dance* in a *Net* before the *People*! Confounding the *Consent* of *Duty* with the *Consent* of *Authority*.

(8.) But after all this, Mr. *Hoadly* undertakes to Prove that ther was a State of *Equality* or *Independency* among Men. This he begins, p. 149. And the Proof is in these Words,

“ It is highly Improbable, that *Moses* “ should not in a very express Manner, “ Inform us of the *first Institution* of *Civil Government*.

Is this your Method? Sir. To promise us a Positive *Proof*, and then begin with a *Probability* only. *It is highly Improbable*— And in that very short Account given us of Affairs before the *Flood*, it had not been very *Improbable* if no Mention had been

been made of the *first Institution* of *Civil Government*. But, Sir, it is given us, and in a very express Manner, and at the very first Beginning that was Possible, when ther were but Two Persons upon the Earth, then was *Civil Government* first *Instituted*, and the *Dominion* given to the *One* over the *Other*, and this in a very express Manner, as I have shewed. And this shews the Importance of *Government*, that Room was found for giving us an Account of the *first Institution* of it in that very *Short Account*. And I am apt to believe that we shall hear no more of your Nice Distinction betwixt the *Marital* (or *Paternal*) and the *Civil Authority*. For I hope I have made it fully Appear, that both the *Marital* and *Paternal* is a *Civil Authority*, and that most Properly so Called.

(9.) Therefore I go on to your second *Demonstration* or *Probability*, That ther was no *Civil Government* in *Adam's Time*, which is in your next Words, and the second Instance of your *Highly Improbable*— “ That he (*Moses*) should not “ give us one single Instance of any *Regal* “ *Act of Adam.* ” — You might have added, or of his *Coronation*, or what *Robes* he *Wore*, of his *Sending* or *Receiving* any *Ambassador*, or *Calling* a *Parliament*, &c. The first Book of *Chronicles* begins, *Adam, Seth, Enos, &c.* without any Pre-

face or Introduction. What *Acts* are told here? Do you Expect, Mr. *Hoadly*, that I should stay longer with you upon such *Probabilities* or *Improbabilities* as these? And do you call these your *Proofs* and *Demonstrations*!

You likewise think it an Argument that the Title of *King* is not here given to *Adam*, nor so much as *Patriarch*. But it is given in the *Contents* of the *fifth* of *Genesis*. Which shews the Notion of our *Church*, That such Names do properly belong to *Adam*, tho' they were not known in his Days. And in *Bishop Overall's Convocation Book*, lib. i. c. ii. the Power of *Adam*, is called *Patriarchal*, *Regal*, or *Imperial*. This was told you, *Rehears*. Vol. i. N. 56. Of which you take no Notice (tho' you Quote the same *Rehearsal*) but put the Objection here over again, as if it had not been Answered before!

(10.) Your second Head of Argument in the same p. 149. is just Repeating the same over again in this new Form, *viz.* That either *Adam* was a *Civil Governour* or *King*; or otherwise that ther was then an *Independent State* without any *Civil Government*: But you cannot find that *Adam* was such, therefore ther was such an *Independent State*. This is a fine way of Multiplying Arguments, and making a *Large Book*! But why should not he that

that Writes for the *Many-Headed* Monster, have as many *Heads* of Arguments, and all to as little Purpose! But some think that saying a great Deal, is *Proving* beyond Dispute!

(ii.) The third *Head* is a mighty One, p. 150. where he Proves ther could be no *Civil* Rule or Government in *Adam's* Time, because *Cain* after he had Murdered his Brother *Abel* was afraid, that *every Man* who met him should Kill him. And by the same Argument he may Prove that ther never was any *Civil Government* in the World since, nor is at this Day. For *Guilty Conscience* is very *Fearful*, and will *Trepidare ad Arundinis umbram*, be Afraid of a *Shadow*. But Mr. *Hoadly* infers from hence, That therefore every Man was Equally an *Avenger* of Blood, and might Kill a *Murderer* wherever he met him. And consequently that ther could be no *Civil Government* or *Authority* in One more than in Another. And was not this an *Independent State*? Most Certainly! And extends not only to *Murder*, but to *Theft*, *Robbery*, or even *Cheating* or *Lying*, or whatever may be Hurtful to *Humane Society*. Wherein if every Man is Permitted to be his own *Judge*, and to *Avenge* it in others, according to his own *Discretion*, there is a Fair *End* to all *Human Society*, and I should be as much Afraid to meet a

Man

Man as a Wolf. I kill a Man whom I think a *Rogue* and an *Enemy* to Human Society — And another Kills me for my Pains — And another Kills him — And so to the End of the Chapter! This is the Blessed State Mr. *Hoadly* is Contending for!

(12.) And he thinks it a Noble Argument towards this, to Prove at length in the same *Page*, That it was *God* and not *Adam* who first Discovered the Murder of *Abel*, and that *God* Himself Proscribed *Cain*, and Pass'd the Sentence upon him. Whence he would Infer that *Adam* had no *Authority* over *Cain*, to Proscribe or Punish him, because *God* did it. But, Sir, does *God* Divest *Himself* of his *Authority* when He Delegates it into the Hands of *Men*? May He not take the Matter into His own Hand when He pleases?

These are all the Reasons Mr. *Hoadly* gives to Prove that the World was in a State of *Equality* in *Adam's* Time. And he Concludes as Triumphant from them as if they had been all *Demonstration*! He says at the End of p. 151. *And this we find in Fact to be a State of Equality.* And p. 152. “ It being *Evident* that this was “ Actually the then State of the World, “ it follows *Evidently*, that there was a “ Time at the Beginning, in which *Man-kind* were Actually in a State, inconsi- “ stent

“ stent with the Supposition of *Civil Rule*,
“ and *Government*, properly so called.

Thus ends his third *Head*, from this Instance of *Cain*. But he says more of it in another Place (for he speaks more than once of every thing) and I will bring it in here, that we may have all together, and go on Regularly according to the *Time*. Thus then to Carry on the Thread and Deduction of *Government* from the Beginning.

(VIII.) God having Established *Civil Government* in *Adam* over *Eve*, and over their *Posterity*, took Care for the Continuance of it after the Decease of *Adam*, and Settled it in the *Primogeniture*, in *Cain* his *Eldest Son* (tho' a Wicked Man) and in the very same Words by which He at first Established the *Government* in *Adam*. And He urged this as an Argument to *Cain* of the Unreasonableness of his Envy against his Brother *Abel*, Gen. iv.
7. *If thou doest well shalt thou not be Accepted?* That is, by *Me*, says *God*, thou shalt be in my Favour, and I will Accept thy *Sacrifice* as well as that of thy Brother, for which thy Anger is kindled against him. *And if thou doest not well, Sin lieth at the Door.* Thou art lyable to my Judgments, but nevertheless, thou hast the Right of thy *Primogeniture*, and *Unto thee shall be his desire*

desire (or, thou shalt have the Excellency, as our Margin Reads it) and thou shalt Rule over him, or, He shall be Subject unto Thee. Therefore thou hast no Reason to be thus Wroth with thy Brother, and so Discontented, (says God to Cain) because I have Accepted his Sacrifice, and Rejected thine for thy Wickedness. To this says Mr. *Hoadly*, p. 36.

(1.) "It is Impossible to think that "it could be any Satisfaction to 'Him "(*Cain*) in his present Ill-Humour, to "know that above *Eight Hundred Years* "afterwards He should Rule *Abel*.

But does Mr. *Hoadly* know in what Year of *Adam's* Life this was? Or did *Cain* know how long his *Father* had to live? And it would be some Comfort still to an *Envious* and *Ill-Natur'd* Man, to think that at some time or other he should have the *Dominion* over the Man whom he Hated. And he knew not how soon that might be. The *Reversion* of *Power* is Something. But Mr. *Hoadly* is so Pleased with this Argument (which I suppose none ever Thought of but Himself) that he Repeats it *four Lines* after, lest we should Forget it, or because he must always Repeat, he Adds,

" How

“ How intolerable is it to suppose that
“ God should allege this for his (*Cain’s*)
“ Comfort? And yet it must be so, if this
“ Interpretation be true, that Almighty
“ God bids him be satisfied now, because
“ Eight hundred Years after this, he should
“ succeed in *Adam’s* Government over
“ *Abel*.

(2.) Well, but after all this, Mr, *Hoadly* is not very sure that he is in the Right, or that his *Eight hundred Years* will do. Therefore he goes another way to work, and says, *p. 38.*

“ I think it very probable that this
“ Verse relates to some sort of *Excellence*,
“ and *Privileges*, of the *Elder* above the
“ *Younger*; with respect to which the *One*
“ was *Superior*, and the *other* in some de-
“ gree *Subject* — But it is an unreasona-
“ ble way of Arguing to infer from hence,
“ or from the like Sayings, that this *Su-*
“ *periority* implied in it an *Absolute Power*
“ over the *Lives* and *Fortunes* of *Younger*
“ *Brethren*, and their *Descendents*; or even
“ the same Power, whatever it were,
“ that the *Father* himself had over his
“ *Children*.

You are certainly in the Right, Mr. *Hoadly*, for tho’ the *Elder* has a *Superiority* over the *Younger*, even in their *Father’s* Life time; yet it is not the same Power that the *Father* himself has over his *Children*.

But

But when the *Father* is Dead, Mr. *Hoadly*, then the Question is, whether the *Elder* Succeeds to any Part of his Power over his *Younger Brethren*? And if to any Part, then surely to the *Whole*, for ther is no *Dividing* of *Supremacy*; it consists in a *Point*. And every *Civil Power* is *Supreme*, where ther is no *Superior*, as I have told you before.

Now during the *Father's Life*, the *Elder* does not *Rule* over the *Younger*, nor is the *Younger* his *Subject*, for both are *Subject* to the *Father*, and he may over-*Rule* the *Elder* in favour of the *Younger*. Therefore what was said to *Cain* of his *Dominion* over *Abel*, could not be understood of any Preference *Cain* had over *Abel* in his *Father's* life time; for it is most Probable that *Abel* was more in Favour with his *Father*, as well as with *God*, and he might have been the *Beloved Son*, tho' the *Younger*, as is often seen among us. And the *Dominion* of *Cain* over *Abel* being told in the same Words as the *Dominion* of *Adam* over *Eve*, it will be a very hard Construction to make them signifie so *Much* in the one *Cafe*, and so *Little* in the other.

But the same *Author* can best Explain his own Meaning. And *Moses* describes the Pre-Eminence of the *First-Born* thus; *Gen. xlix. 3. The Excellency of Dignity, and the Excellency of Power.* And *Chap xxvii. 29. and 37.* he Expresses the Right of the

First-

First-Born, as being *Lord* over his *Brethren*, and that all his *Mother's Sons* should *Bow down* to Him, and are given to Him as *Servants*. This is in the same Book where the *Excellency* and *Dominion* is given to *Cain* over *Abel*. And sure is the best Comment upon the Words.

Hence in after Ages the Names of *Elder Brother* and *First-Born* were used to Express *Dignity* and *Power*. As *Psal. lxxxix. 27.* *I will make him my First-Born, Higher than the Kings of the Earth.* To this says Mr. *Hoadly*, p. 73. That this was only by way of *Allusion*. Well, be it so. I have no other use to make of it here. But it shews the Current Notion of the *Dignity* of the *First-Born*. But he says, this does not shew what that *Dignity* or *Pre-Eminence* was. That is shewed before, and being then well known, need not be Repeated every time it was Mentioned.

This is Mr. *Hoadly's* usual way of Answering, when a *Text* is produced, he says, *This alone, and by it self do's not Prove.* This you find every where in his Book.

(3.) But his strongest Answer to this *Text*, is, That it shews some sort of *Pre-Eminence* (he knows not what) that was then Attributed to the *Primogeniture*. But he Denys it meant any thing of *Power* or *Authority*. There he sticks. And I must leave it to the Reader, whether, *Higher than*

than the Kings of the Earth, Means not something of Authority or Power?

The like Answer he gives to several other Texts Quoted in the *Rehearsal*, Vol. 1. N. 57. where the Title of First-Born is often given to our Blessed Saviour, to Express His Power and Authority over us. Particularly *Rom.* viii. 29. where He is called *the First-Born among many Brethren*, that is, our *Elder Brother*. To this says Mr. *Hoaldy*, p. 73, 74: That nothing of the Power or Authority of Christ over us is hereby Meant at all, but only our being Admitted into the Favour of God by Him; such Favour being Expressed by way of Allusion to the greater Kindness Men usually have for their *Eldest Sons*. Now as I did before with *Moses*; so will I by *St. Paul*, take his Meaning of his own Words, and in this same *Epistle*; where he says, *Chap. xiv. 9.* For to this end Christ both Died, and Rose, and Revived; that He might be Lord both of the Dead and Living. Is not this one Reason then that He is called *The First-Fruits of them that Slept*. *i Cor. xv. 20.* The First-Born from the Dead, that in all things He might have the Pre-Eminence. *Col. i. 18.* The First-Begotten of the Dead, and the Prince of the Kings of the Earth. *Rev. i. 5.* These are the very Words, and the Fulfilling of what is before Quoted out of *Psal. lxxxix. 27.* But Mr:

Mr. Hoadly is so Resolved to let nothing of Power in the Primogeniture Remain, that he can see Nothing of Power and Authority in all this; no, not in our Blessed Saviour Himself! And he is very Wity upon St. Paul if he meant any thing of Authority in Christ by calling Him the First-Fruits of them that Slept, and says, ther is as much of Government or Authority in the First-Fruits of Corn or Wine, &c. I expect not to be Believ'd in this, till I repeat his Words, which you will find, p. 74. thus.

“ So that this Expression (of Christ being called the First-Fruits) is unhappily Alleged by one who pretends to so exact a Knowlege in the Sacred Writings: Unless he can be so happy as to prove that Inanimate First-Fruits, as well as First-Born Men, had likewise Government annexed to them.

This is like his Friend Mr. Lock's Ridiculing the Argument of the same St. Paul in Asserting the Authority of Adam from his being first Formed; to which says Mr. Lock in his Two Treatises of Government (often Quoted by Mr. Hoadly) Book I Chap. iii. p. 19.

“ That this Argument will make the Lyon have as good a Title to the Government as Adam, and certainly the Ancienter.

But to go on with Mr. *Hoadly*, who owns to have Borrowed from Mr. *Lock*, and often Refers us to these very Two Treatises of his, for more Ample Satisfaction. The next Words to what I have above Quoted of Mr. *Hoadly* are these,

“ Nor was our *Lord* ever called the *First Begotten from the Dead*, on the Account “ of Rule and Government over such as are “ to *Rise from the Dead*.

And he Proves it by this *Absurdity* which he says wou'd follow, “ That then by “ *Vertue* of being the *first Begotten of the Dead*, according to this Argument, He “ ought to Rule as the *first Begotten from the Dead*, over all who shall Arise from “ the *Dead*.

This Mr. *Hoadly* thinks an *Absurdity*, that *Christ* should *Die* and *Rise* again, for any such *End* as this; or that, by *Vertue of this*, He shall *Rule* over all those who shall *Arise from the Dead*.

Whereas St. *Paul* says, as before Quoted, That for this very *End*, He both *Died*, and *Rose*, and *Revived*, that He might be *Lord* both of the *Dead* and *Living*. This is in flat *Opposition*, and in very *Terms*, to what Mr. *Hoadly* says! Who *Ridicules* the *Rehearsal*, as if He pretended to such an *Exact Knowledge* in the *Sacred Writings*!

I have been the longer upon this, and Consider'd every thing Mr. *Hoadly* has said against the Right of the *Primogeniture*, first Established in *Cain*; That we might have the whole before us, as the first *Institution of Government* in *Adam*, so the *Succession* of it by the *Primogeniture* in *Cain*.

(VIII.) Now let us Return and see Mr. *Hoadly*'s fourth *Head* against *Government*, p. 152. which contains the Time after *Adam* to the *Flood*. And the only Reason he gives why ther was no *Government* in all that Time, is, “The pro-
“ digious Increase of *Wickedness* and *Vil-
“ lany* in that Time.” Which he supposes could not have been, if ther had been any *Settled Manner of Civil Rule and Government* among them. — I am afraid Mr. *Hoadly* in his next *Edition*, will Prove that ther is no *Settled Manner of Civil Rule and Government* now among us in *Britain*, for ther is a *Prodigious Encrease of Wickedness and Villany*; which is daily Complain'd of! Nay of *Blasphemy* and open *Contempt* of all *Reveal'd Religion* (as well as *Natural*) Publickly both *Preached* and *Printed*. Which is an open *Wageing War* with *Heaven*, as much, if not more, than the Old *Giants* did before the *Flood*. For we hear not of their *Principles*, only

that their *Practise* was *Wicked*; But now we *Sin* and *Justify* our *Violence* by *Principle*! Nay, we *Father* it upon *God*, and plead *Providence* on our *Side*, in giving us *Success*! We *Labour* with all our *might*, (as Mr. *Hoadly* here) to *Justifie* by the *Word* of *God* all *Robbery* and *Rebellion*, *Falshood* and *Treachery*, *Sacrilege* and *Perjury*, *Disobedience* to *Kings* and *Parents*; and to *Introduce Anarchy* and *Confusion*, by *Placing Government* in the *People*! And here you see what *Pains* he takes to *Prove* it from *Holy Scripture*!

Was the *Earth* filled with *Violence* before the *Flood*? And is it not so now? They had then *Mighty Men*, *Men of Renown*; (which Sounds not much like a *State of Equality*) And have not we the like *Heroes* and *Generals* who fill the *Earth* with *War*, if That be *Violence*! And no Doubt they had *Pretences* then as well as now.

It is generally supposed, That the *Corruption* of the *World* will be *Greater* before the *last Destruction by Fire*, than it was before the *Flood*. And our *Blessed Saviour* says, *when He comes, shall He find Faith upon the Earth?* The *Time* seems to *Haften* apace! And do we suppose that all *Civil Government* will then be *Rooted* out of the whole *World*, and all *Mankind Reduced* to a *State of Equality*? If not. Then ther is no *Manner of Argument* for

for such an *Equality*, from the Corruption before the *Flood*.

(IX.) We are now to pass on to the Time after the *Flood*, which is the *fifth Head* of this *Hydra*, p. 152. and Contains the Space between the *Flood* and the *Division of Nations*. And here he Proves the State of *Equality* from these Words only, *Whoso sheddeth Man's Blood, by Man shall his Blood be Shed*. Whence he would Infer, That the Sons of *Noah* had as much *Authority* over their *Father*, as He had over Them, to put Him to Death, if He had been Guilty of *Murder*, as much as He could have *Punished* them; because they were *Men* as well as He, and that the Word *Man* here is *General*, and belongs to every *Man*, and makes every *Man* Equally an *Avenger* of *Blood*, and a *Judge* over every other *Man*!

Now, Sir, I will give you an Expression like to this, our Bleſſed *Saviour* says, *They that take the Sword, ſhall Periſh with the Sword*. Matth. xxvi. 52. And the Text you have Mentioned, Gen. ix. 6. is Quoted on the Margin, to ſhew that Both mean the same thing. As likewiſe Rev. xiii. 10. *He that killeth with the Sword, must be killed with the Sword*. All Parallel Expressions. And does Mr. *Hoadly* think that the *World* was in a State of *Equality*, and no

Civil Government at all in it in our Saviour's Time? As little can he Prove it in Noah's Time, from the like Expression there used. And indeed it seems rather a Threatning of Judgement from God in that Place Gen. ix. 5, 6. where He says that He will Require it, that is, Avenge the Blood of Man, at the Hand of every Beast, as well as at the Hand of every Man's Brother. So our Saviour's Saying is to be Understood, *That they who take the Sword, shall Perish with the Sword.* And so it is Apparently where that saying is again Repeated, Rev. xiii. 10. which begins, *He that leadeth into Captivity, shall go into Captivity.* Then follows, *He that Killeth with the Sword, shall be Killed with the Sword.* All referring to the Just Judgment of God, in Requiring or Punishing our Sin, in the same Method by which we have Sinned.

Now, Reader, see the Difference betwixt Mr. Hoadly's Manner of Arguing and Mine. I go upon *Fact*, plainly Recorded in *Scripture*. He takes hold of some general *Expression*, which he Turns to his own Sense, and thence Argues as from a certain *Topick*. He gathers *Fact* from *Expressions*, which he cannot Deny may mean otherwise: But I explain the *Expressions* by the *Facts*. And in this Method I ask him, whether *Noah* had not

the

the same Government and Authority over his Children, after the Flood as before? And I have shewed before what that Government was, even Civil Government, most Properly so Called. And for the Extent of it, I have set down that known and certain Rule, That every Civil Government is Supreme and Absolute, where ther is no other Civil Government that is Superior to it, and can Controul it.

But we find *Noah* Exercising Authority, when he Cursed his Son *Ham*, called also *Canaan*, for an Irreverence and Undecency he shewed towards his Father. Mr. *Hoadly* says, p. 44. That this was Prophe-tical, and Extended to the Posterity of *Ham*. It did so, and shews the Extent of a Father's Curse. I wish all Undutiful Children may take Warning, who Expose the Nakedness of their Father. For the Curse of the Father rooteth out Foundations, and is Visited upon our Children. This fell severely upon the *Canaanites* (the Posterity of *Ham*) who were called the Cursed Nations, and were Devoted by God to be Exterminated. And *Egypt*, which God likewise Destroyed, was called the Land of *Ham*. Thus was this Undutiful Son Cursed, and his Posterity. But Mr. *Hoadly* can see no Authority in *Noah* from all this, but thinks *Ham* was upon the Level with his Father, and might have Cursed Him, for being

Drunk as well as *Noah Cursed Him*, for looking upon him when he was *Uncover'd* in his *Tent*. Mr. *Hoadly* has done more to his *Father* — He has not *Covered* his *Nakedness*, but made it his *Business* to *Expose* it, and *Justifies* it by *Principle*!

(X.) We are now Come to the Sixth *Head* of this *Un-natural Monster*, p. 154. To the *Division* of *Tongues* and *Nations*, in which *Transfaction* he thinks to find his *Independent State*. This he took from his Master *Lock*, who because the *Builders* of *Babel* said, *Go to, let us make Brick, &c.* would Infer, that the whole *Earth* was then in a *State of Equality*, or without any *Civil Government* among them. Which Argument Mr. *Hoadly* here pursues, p. 154, and 155. The whole Stress lying in this, That their *Commander* or *Governour* is not there Named, whence he Concludes that they had none, but were all upon the *Level*, in a *State of Equality*.

But he forgets that he had given up this Argument before, p. 47. where he says, “ I do not Deny but that a Body of “ Men may speak to one another, and “ encourage one another in doing what “ their *Governours Command*; or that the “ People may be said to do what is Con- “ sulted, and *Commanded* by others.

This

This was the Answer the *Rehearsal Vol. 1. N. 66.* gave to Mr. *Lock.* And here Mr. *Hoadly* acquiesces in it. Well then, what has he more to say? His next Words are, "But I appeal to the Particulars of this *Story*, whether here can be any *Command* of *Noah* Suppos'd." Why? Who said ther was? The *Rehearsal* said no such thing, nor Pretended to tell who was their *Commander* or *Governour*. Only that the Words Quoted by Mr. *Lock* of *Go to, &c.* did not Prove that they were under no *Command* or *Government*. And it is so Allowed here by Mr. *Hoadly*. Who yet goes on in the next Words to *Prove*, That they could not be under any *Government*, because the *Governour* is not there Named! Now Catch this *Eel* if you can! He *Affirms* and *Denies* in the same Breath! But because he would *Prove* something, he spends three *Pages* here p. 46, 47, 48. and two more, p. 154, and 155. to shew the Improbability of *Noah's* Commanding the Building of *Babel*, which no body had Asserted! For one *Chapter* with him is the *Repetition* of Another — And all of the *First*!

But I will Dispatch the Business of *Noah* here. And I will not let you Ramble, Sir, because I will not Ramble with you. Therefore you may go on 20 Pages more if you please to *Prove* that *Noah* did or did

did not Order the Building of *Babel*, that He was or was not their Leader at that Time, take which Side of the Question you please, and Prove it Backwards and Forwards, as Suites your Fancy best ; and I will not Oppose you, nor Answer you one Word. Because it signifies not one Groat to our Question, whether it was the one way or the other. For your Point is to prove an *Independent State of Nature*, when all *Mankind* was upon the Level, without any *Civil Government* among them, or any one that had *Authority* over Another. But you love to play the *Truant*, and make any Excuse to Wander from your Busines.

(1.) As p. 50. which you Employ upon an Ingenious Question you found out, being *Cunning*, *viz.* That when the World was Divided into *Nations*, you ask, what became of *Noah* and his Three *Sons*? For the World was Divided among their *Sons*, whence it came into your Head, that *Noah* and his *Sons* had lost their *Authority*, and became *Subjects* to their *Children* and *Grand-Children*. And you are very *Witty* upon this, and Cry, *What a mean Figure must NOAH make, who, the Minute before was Universal Monarch, and now is left Destitute of a Foot of Land, or an Handful of Subjects? What? must NOAH become a Subject to his Grand-Children? &c. And you*

you go on *Triumphing* upon this a whole *Page* together! But, Sir, have you never heard of Great *Monarchs* who have had *Kings* under them? You may find such now in the *East*. The *King* of *Prussia* is *Subject* to the *Emperor*. Therefore *Noah* might have been *Universal Monarch* still, after the *Division* of *Nations* as well as before, and I doubt not was so as long as he Lived. And the *Sons* of *Shem*, *Ham*, and *Japhet* might be *subject*, each to their *Father*, and yet be *Independent* of each other afterwards, and so make up *Seventy Nations* or *Kingdoms*, all *Independent* of one another. And thus the *World* might have been, and thus the *World* was *Divided* into several *Nations*. But, Sir, I was not obliged to give you this *Account*, which, it seems, you could not *Think* upon! For suppose *Noah* had been *Deposèd* by his *Children*, as some of his *Sons* have been since. What then? Would this have Proved an *Independent State of Nature*, and that ther was no *Government* then in the *World*? For *Revolutions*, Good or Bad as they are, do not *Destroy Government*, only *Change Hands*. So that you are still *Straying* from your *Subject*.

(2.) You have another noble Stroke at this *Division* of *Nations*, p. 51. Where you Observe that *Thirteen* of the *Seventy* Named *Gen. x.* were not Born when the

Division

Division was made. Well. What then? What use do you make of this? — Hold, Sir, before you Answer I will tell you one use may be made of it, which is, That these *Thirteen* were not Chosen by the *People*! I think this is pretty Plain — Now go on, and tell us what you would make of this. Will it follow that ther was no *Division* at the Time when the *Division* was said to be made? No. I believe Mr. *Hoadly* will not say That. How then are we to Understand it? Who could Name *Thirteen* Men before they were Born? I know none could do it but *God Almighty Himself*. Who reserved *Thirteen Nations* yet to come (the *World* not being yet fully *Peopled* at the *Division*) and Named their *Rulers* before they were Born. Which I hope will Stop the Strife about their *Election* by the *People*! But whatever becomes of this, will it follow, That there was no *Government* then in the *World*, but all *Mankind* in a State of *Equality* and *Independency*? For I must still Recal you to your *Point*, which you are so Apt to *Forget*, and would have your Reader to *Forget* it too.

(3.) In Order to which you throw in another Bone, p. 51. That some *Nations* are Named among the *Persons* in the xth of *Genesis*, as the *Febusite*, *Emorite*, and *Girgasbite*.

gashite. And thence Infer that it was Moses's Design to shew from which of the Sons of Noah every Nation was Descended. That is Granted you. And what do you make of it? Will it follow that these Nations had no Governoours, or that the World was then in an Independent State? Suppose one of the Sons of Canaan was called *Febus*, from whom came the *Febusites*, and instead of saying that *Canaan* begat *Febus*, it is said that *Canaan* begat the *Febusite*. Gen. x. 16. *Jerusalem* was called *Febus*. i Chr. xi. 4, 5. propably from *Febus* the Father of the *Febusites* who Dwelt there. But all this is Triffler, and Nothing to the Purpose.

(4.) The next Stroke is p. 52. And it is a Notable One. And he makes a Distinct Head of it. All that I have Named are under several Heads, but I Name them not, they are so many. This is Head. 8. where he says, " Supposing the *Historian* " to have had his Eye upon what was " done immediately upon the *Confusion* of " *Languages*, it is not to be Imagined that " he would have told this (the *Division* " of the *Nations*) before he gave Account " of that *Confusion* of *Languages*.

I know not how this *Author* does *Imagine*. But most Certainly it was so. For the *Division* of *Nations* is told Gen. x. And the Building of *Babel*, and the *Confusion* of

of *Languages* thereupon is in the xi *Chapter*. The *Rehearsal* took Notice of this, and shewed that several things are told in *Scripture* (as in other *Histories*) without always observing the *Time* in which they were done. And among other Instances he Names *Joh.* xix. 18. where it is said, *they Crucified him*: And ver. 23. *When they had Crucified Jesus*: Yet ver. 25, &c. Several Passages are told which Preceded his Death. Upon which Mr. *Hoadly* makes a Distinction betwixt his *Crucifixion* and his *Death*. And says that those Passages were after His *Crucifixion* but before His *Death*, that is, says he, *He remained upon the Cross some Hours before He died*. But Mr. *Hoadly*, if He had been taken down from the *Cross*, and suffer'd to Escape, I suppose it had not been said that He was *Crucified*. And I believe every Man in the World without Exception, when he Reads those Words, *When they had Crucified Jesus*; means His *Death* as there told.

But you Quote in this same Place the *Rehearsal*, Vol. 1. N. 66. whence you took this. And the very next Words after what you have Quoted gives you another Instance besides that of the *Crucifixion*: And I could Undertake to give you Twenty more of the like, if any thing of our Dispute depended upon it. But to shew your Exquisitnes at Answering, and that you fail

fail not to take in all that your Opponent Urges, I will set down that Paragraph in that same *Rehearsal*, of which you take not the least Notice, and it is this, after giving that Instance of the *Crucifixion*, he brings the Matter to the very Point now in Hand, the *Division of Nations*, and the *Confusion of Languages*, and says,

“ And thus it is said Gen. xi. 1. And
“ the whole Earth was of one Language, and
“ one Speech. And ver. 6. The People is one,
“ and they have one Language. Yet Chap. x.
“ 20. 31. it is said, the People were Di-
“ vided after their Tongues. So that what
“ is Related Chap. xi. Refers to the Time
“ before the *Division* mentioned in the
“ x Chapter. Where the *Division* of the
“ Nations, by their *Languages*, being told,
“ the Holy Pen-Man goes on, in the next
“ Chapter, to shew upon what Occasion and
“ by what Means, this *Division* of *Langua-*
“ *ges* was Effectuated.

“ Thus the *Rehearsal*. But you found this too Hard for you, and so let it slip — And chose to Nibble a little upon the Word *Crucifie*, to Amuse your Reader ! And to Conclude with your usual *Assurance* in the next Words,

“ From what hath been said it is Evi-
“ dent beyond all *Contradiction*, that this
“ Chapter cannot be an *Account* of *Seventy*
“ *Independent*

“ Independent Monarchs made so, at the
“ Division of Nations, by God Almighty.

And will you not give me leave to say, in my Turn, that it is *Evident* beyond all *Contradiction*, That you, Sir, have not found your *Independent* State in all this? And therefore that you have been but Beating the Wind in the Mighty *Pains* you have taken!

Was the World in an *Independent* State at the Time mentioned in the xth of *Genesis*? When *Nimrod* was *King* in *Babylon*, and *Ashur* Built *Nineveh*, the Seat of the *Affyrian* Monarchs. Both which are Mentioned in that *Chapter*. And from *Nimrod*, in Profane History called *Belus*, we have the Names of all the *Monarchs* and their *Succession*, to the end of the *Affyrian* *Monarchy*. And after that of the *Medes* and *Persians*, the *Greeks* and *Romans*, and from the Division of the last into the *East* and *West*, to the present *Emperour* of *Germany*, and the *Sultan* at *Constantinople*. And not a *Cravise* in all that way to let in your *Independent* State! But *Cities* and *Countries* and *People* then first Named after their *Founders*, *Fathers*, and *Rulers*, were known by the same Names in after Ages, and some Remain unto this Day. Here *Babylon* had its Name, and *Nineveh*, the *Affyrians* from *Ashur*, the *Canaanites* from *Canaan*, the *Hebrews* from *Heber*, &c.

(5.) But

(5.) But Mr. Hoadly says to this, *ibid.*
p. 54, 55.

" It doth not signify much to alledge
" that some of the *Nations* long retained
" the *Names* of some of the *Persons* here
" mentioned: For this might be, suppo-
" sing those *Persons* only the *Originals* of
" these *Nations*, as well as supposing them
" to have been the Arbitrary *Monarchs*
" of these *Nations*, appointed by *God*.

You say, this *might* be — A faint sort of Proof! And from this you draw *Evi-
dence* and *beyond Contradiction* Proved! But you own these *Persons* from whom *Nati-
ons* were called, to have been the *Originals* of these *Nations*. And that is a fair Step towards their being *Governors* also. For who so proper to *Govern* as the *Original*? And when we find some of these *Originals* called also *Kings*, and the Beginning of their *Kingdoms* told in this same *Chap-
ter*; and find in *History* their immediat *Successors* upon their *Thrones*, and so on; what Reason have we to Doubt of the *Originals* being *Kings*? And so of the *Originals* of other *Nations* there Named; though the Word *King* or *Kingdom* be not added to every one of them. Especially when we have such a *Comment* upon the *Text* as *Eccl. xvii. 17*: Which says that *In the Division of the Nations of the whole*

whole Earth, God set a Ruler over every People.

(6.) To this says Mr. Hoadly, p. 55.
" This is manifestly intended to signify
" the Difference between God's dealing
" with other Nations, and with the Peo-
" ple of *Israel*, for it follows immediatly!
" *But Israel is the Lord's Portion*, by way
" of Opposition to the Government of o-
" ther Nations.

It is true that God did shew a parti-
cular Regard to the *Israelites* more than
to other Nations. He establish'd His
Church in them, and Presided over them
Himself immediatly. And this all along
from *Heber* the Son of *Shem*, from whom
they were called. It is generally sup-
posed by Learned Men that *Shem* was
that *Melchisedec* who met *Abraham*, and
was *King of Salem* and *Priest of the most*
High God. And from *Abraham* to *Moses*
there was a visible Hand of God over the
Patriarchs and that *People*, whom God cal-
led His peculiar *People*. And he had that
Regard for them, that He *Divided* the
Nations, into that Number of the *Israelits*
which went down into *Egypt*, that was
Seventy, so many Ages after. As *Moses*
says, *Deut. xxxii. 8, 9.* *When the most*
High divided to the Nations their Inheri-
tance, when He seperated the Sons of Adam,
He set the Bounds of the People according
to

to the Number of the Children of Israel. But the Lord's Portion is His People, Jacob is the Lot of His Inheritance. This is Repeated Eccl. xvii. 17. And the meaning is the same. That God set a Ruler over each of the other Nations, but took *Israel* into His own particular Care, whence their Government was called a *Theocracie*, or the Government of God. Yet had they *Rulers* under God, whom God Chose and Directed.

But how is this an Objection against the *Division* of *Nations*? And how does it hinder that God set a *Ruler* over every *People* in that Grand *Division* of the whole *Earth*? Did God's taking one of these *Nations* for His *Inheritance* more peculiarly, than the Rest, import that there was no such *Division*; or rather certainly Imply that ther was? Mr. *Hoadly*'s Answer to this is very *Perplext*. You will have much ado to know what he means, for after Repeating these last Words of the Text, *But Israel is the Lord's Portion*, he says;

“ This therefore could not possibly relate to the Time of that *Division* of Nations under their several *Monarchs*; “ which *Moses* is, by this *Scheme*, supposed to have Related, Gen. x. Because in that *Chapter* are mentioned *Arphaxad*, and *Eber*, and *Peleg*, from whom *Abraham* and his *Posterity*, the *Israelites*, de-

“ scended; who must therefore, according
“ to this *Scheme*, be *Monarchs* of the same
“ sort with those of other Nations there
“ supposed to be mentioned. And if so,
“ how can this *Text* say that at this *first*
“ *Division* God set *Monarchs* over other
“ Nations, but not over the Forefathers
“ of the *Israelites*; as it *must do*, if it be
“ any thing to the Purpose for which it
“ is alledged.

But why *must* it *do this*? I see no Reason at all. It neither *Must* nor *Does* do it. For *Heber* was *Ruler* over the *Hebrews* descended from him, as well as others mentioned in the tenth of *Gen.* And yet the *Government* of the *Hebrews* might be a *Theocracie* more peculiarly than that of any other *Nation*, as we find it in his *Posterity*, in *Abraham* and the *Patriarchs*, and *Moses*, and the *Judges*, and the *Kings* of *Israel*, till God forsook them.

But his second Reason is stronger, he says, p. 55.

“ If it respect the *Israelites*, as the *Children* of *Israel*, properly so called many
“ Ages after this *first Division*; then the
“ former part of it cannot respect the
“ Time of the *Confusion of Tongues*, and
“ *Division of Nations*.

And yet it must respect that Time, and no other Time — Unless you can shew another Time, when the *Whole Earth* was *Divided*

Divided into Nations, as the former part of the *Text* says, *In the Division of the Nations of the whole Earth* — But the Children of *Israel* properly so called were not then Born. What then? They were the same *People* that before (and after too) were called *Hebrews* from *Heber*, and were the *Peculiar People*, and under a more Particular *Theocrasie* than other *Nations*, before *Jacob* who was called *Israel* was Born, after whom they were called *Israelites* — But never *Jacobites*, as the late Lord Bishop of *Ely* (Dr. *Patrick*) has smartly observed in his *Comment* upon Gen. xxxii. 28. — I have before shewed the Opinion of Learned Men, that *Shem* was *Melchisedec* who met and Blessed *Abraham*. And then we may reasonably suppose that *Eber* who was Great Grandson of *Shem*, was alive in *Abraham's* Time. And none will Deny but that *Abraham* and his Posterity were under a very particular *Theocrasie*. So that the Deduction is very short, *Shem*, *Eber*, *Abraham* (all alive together) *Isaac*, *Jacob*, who was called *Israel*, and begat the twelve *Patriarchs*. But suppose none of this Branch of the Posterity of *Shem* had been taken by God as His peculiar *People* till *Jacob* had his Name changed to *Israel*, yet might not God, in the *Division* of the whole *Earth* have Respect to this *People* (in whom He designed

to Set up His *Church*) tho' so long before they were in Being? *Moses* says He had, and begins his *Song* with this, the great Regard God had to that *People* so long before, as he says, *Deut. xxxii. 7.* Remember the Days of Old, consider the Tears of many Generations, ask thy Father and he will tell thee, thy Elders and they will shew thee; When the most High divided to the Nations their Inheritance, when He separated the Sons of Adam, He set the Bounds of the People according to the Number of the Children of *Israel*, viz. His Seventy Sons who went down into *Egypt*. With Respect to whom God divided the *World* into Seventy Nations so many Ages before this Event came to pass.

To this says Mr. *Hoadly*, p. 54. " That this *Text* speaks nothing of God's appointing *Rulers* over the *Divided Nations*, but only of his appointing the Bounds of the several *Nations*.

Now he slips from the other Text *Eccl. xvii. 17.* which says Expressly that in this *Division* of the whole *Earth*, God did set a *Ruler* over every one of these *Divided Nations*. Well, but then that Text *Deut. xxxii. 8.* does not by it self prove this! This is Mr. *Hoadly*'s constant Answer, that such a *Text* does not by it self, or, this only does not Prove — As if one *Text* were not to be Explained by another!

another! Or that every time any Fact is Named, the whole must be again Repeated with all it's *Circumstances*! Thus Moses gave a particular Account of the *Division of Nations*, Gen. x. And Chap. xi. tells the Occasion of it, the Building of *Babel*, and the *Confusion of Languages*. And Mr. *Hoadly* would have him Repeat it all over again, when he mentioned it, *Deut.* xxxii. 8. Else, says he, that *Text* does not Prove, taken *alone*, and *Singly by it self*! So that it will be very Hard to fix Mr. *Hoadly*! But, Sir, every body does not think perpetual *Repetitions* such an *Elegancy* as you do! Nor suspect that their Readers have no *Memo-ries*! But it is a Necessary Help when one has little to say, and yet would say a great Deal, and spread *Two or Three* common Thoughts into a *Voluminous Work*! Some desire to say *Much in Little*. And you say *Little in Much*. Every Man in his Way — Ther is no help for these things. You know how to Please the *Long-Winded Tribe*, who Care not what *Coin* they get, so they have Enough for their *Money*. And if it be not *Good*, you give them the *More* of it! You lay it on *Thick and Thin*! The first in *Words*, the last in *Meaning*!

In the same p. 54. You Argue as if ther was no great Matter in that *Division of Nations* mentioned by *Moses*, nor

any thing Observable in it, as being brought about in Tract of Time, by the Common Methods of Providence. Thus you Interpret that Expression of *Moses* in the above Cited *Text*, of God's appointing the *Bounds* of the several *Nations*.

“ Which certainly (*say you*) at this Day
“ depend upon His good Pleasure, and
“ may be *Equally* said to be Appointed by
“ Him, tho’ He do not Immediately Inter-
“ pose, and Mark them out Himself, but
“ only by His *Providence* dispose the Af-
“ fairs and Minds of Men so, as that they
“ shall be what He sees fit, and what
“ may answer His own wise Purposes.

By this the Passage here Mentioned by *Moses* of God's Dividing the *Nations*, and Appointing their *Bounds*, as so Extraordinary a thing, and so wonderfully Remarkable with Respect to the Children of *Israel*, here Recorded in his *Song*, for Ever to be Repeated in *Israel*, and Introduced with so Solemn a Preface of Observation and Attention as before recited, *Remember the Days of Old*, &c. I say all this, by Mr. *Hoadly*'s Sense of it, meant Nothing at all, nor had any Respect to the Children of *Israel*, more than to any other *People*, that is indeed to no Body. For what News was it to tell them, That ther were several *Nations* in the World, and that Each had their *Bounds*, and that these *Bounds* might

might Alter or Change in the common Course of Providence, as we see it done every Day? If this was all the Meaning, it was a *Wonderful and Remarkable Nothing* upon which *Moses* laid so Great a Stress! But he had told them before Gen. x. 25. That this *Division of Nations* was done at one Time, when *Peleg* the Son of *Eber* was Born, whence he had his *Name*, which signifies *Division*, for in his Days was the Earth divided. But Mr. *Hoadly* might call his own Son *Peleg* at this Rate, for he has seen *Divisions* in his Time, and the *Bounds of Nations* Altered!

Having thus Entirely Demolished the Authority of *Moses* in this Matter! He draws this Safe, Certain, and Modest Conclusion upon the Whole, where Speaking of these Quotations from *Moses*, he says,

“ And therefore they can be of no Authority in a very Material Point, in which *Moses* himself is perfectly Silent. “ In which, I say, *Moses* himself is perfectly Silent.

He Redoubles his *Assurance*, that we may be *Sure* of it! How *Moses* meant what he said is one thing, and we have seen Mr. *Hoadly*’s Arguments upon it. But to say that *Moses* was perfectly Silent in the Matter, and, I say, perfectly Silent — Has something in it Peculiar to Mr. *Hoadly*!

(XI.) We are now come to his *Se^t viii.* which he calls *The Sixth Branch of this Scheme examined.* He makes Abundance of Branches of one short *Scheme.* Like the *Hewer* that casts many *Chipps.* This is upon the *Primogeniture.* And he Refers to what he has before said of it, in the Instance of *Cain, &c.* And so do I, as to the Answers I have given: And will take Notice only of what I find New in this *Section.* He spends p. 55, 56, 57, 58. Repeating what he had said before, That *Moses* was *perfectly Silent* in this Matter. And that he has Proved it *Undeniably, Absolutely, &c.* — But I find something *New and Extraordinary* at the End of p. 58. where having Allowed of an *Answer* the *Rehearsal* gave to some Instances wherein the Rule of *Primogeniture* was Postponed, as in the Case of *David, Solomon, &c. viz.* That *God* might Dispence with His own Positive *Institutions* when He pleased, which was the Case in these *Instances* Named. Mr. *Hoadly* grants this, but has yet something to say, For he asks God several Questions about the Reason of His Procedure herein. And says, ther ought to be *apparent Necessity* for God's Dispensing with, or Neglecting His own *Institutions.* And then Asks,

(1.) "What *Necessity* was there here?
" Could the Personal *Vices* of the Right
" *Heir*

"*Heir* make it *Necessary* that he should be
" Over-looked? Did the Personal *Vices* of
" *Saul* make it *Necessary* that his whole
" Family should be *Rejected*? Did the
" *Qualifications* of *David* make it *Nece-
sary* that he should be fixed upon?
" Or of *Solomon* afterwards, who was not
" the *Eldest Son*?

Thus Mr. *Hoadly* — And till *God*
shall please to give him a particular *Ac-
count* of His *Procedure* herein, and Satisfie
Mr. *Hoadly* what *Necessity* ther was for
His making these *Changes*, I know not
what to say to him — But only this,
That I have been used to think, whatever
God did was well done, tho' I knew not
the *Reasons* of it. Nor *Dare I Ask Him*,
where *He* has not *Revealed* it. And I
know not what *Privilege* Mr. *Hoadly* has
to do it, unless he be gone in with the
Men of the *Rights*, and thinks that *God*
derives His *Authority* from the *People*, and
so is *Accountable* to *Them* for His *Ad-
ministration*, and to Mr. *Hoadly* as one of
them !

(2.) He employs p. 59, 60, 61, 62. to
Prove that *Jeroboam* was Appointed by *God*
to be *King* of the *Ten Tribes*. In which
this Dispute is not at all Concerned. Be-
cause if it was so, this is an *Act* of *God* ;
and so an *Exception* from the *General*
Rule, like that of *David* and *Solomon*.
Tho'

Tho' I am still of the Opinion of the *Rehearsal*, that *Jeroboam* was an *Usurper*. And refer the Reader to what he says upon that Subject. Being willing to shorten here all I can.

(3.) After this he comes to *Tenthly*, under *Ten* several Heads, beginning at p. 62. To shew that these first *Kings* were not ~~so~~ Great as our *Kings* now, and therefore would have them to be None. He says, p. 63. "We find no *Government* either in " *Abraham* or *Lot*, but that over their re- " spective Families; nor any Pretence " made by either of them to Superiority " over the other.

I think the Superiority appears plainly to have been in *Abraham*. The Command was to Him to go into the Land of *Canaan*, and the *Promise* was to Him. *Gen* xii. 1, 2, 3. And ver. 5. it is said, That *Abraham* took *Sarai* his Wife, and *Lot* his Brother's Son, &c. to go into the Land of *Canaan*. And *Abraham* continually Directed the Journey, and the Place whither they were to go, and *Lot* followed him. And it was *Abraham* put *Lot* from him, upon a Strife between their Herd-Men. *Chap.* xiii. 8. But that is not the Matter now. The Point is, as to the *Kingship* of *Abraham*. And he being *Supreme* in his own *Family* was *King*, which means no more than *Supreme*, as is told before. And his *Kingdom* or *Family*

Family was not Contemptible, who with his own *Trained Servants* Surprized and Defeated Four *Kings*. Gen. xiv. And he Treated with the *King* of *Sodom* as upon the Level with him, and Independent of him. ver. 23. And the *Hethites* said unto him, *Hear us, my Lord, thou art a Mighty PRINCE amongst us.* The Seventy Reads it *Bacchaeus*. *King.* Gen. xxiii. 6.

And he was *Absolute* over his *Subjects*. If *Isaac* had not thought him so, it is not likely that he, a Young Man 25 Years Old, would Quietly have Suffered an Old Man of 125 Years of Age, to *Bind* him, and lay him upon an *Altar* to *Kill* him, when none were Present but they Two alone on the Top of a Mountain. And it is Plain that *Isaac* knew nothing of his *Father's* Intention, till they came to the very Place; for as they were going thither, and the *Wood* of the *Burnt-Offering* laid upon *Isaac*, he said to his *Father*, *Behold the Fire and the Wood, but where is the Lamb for a Burnt-Offering?* And *Abraham* gave him no other Answer, but that *God would provide himself a Lamb.* Gen. xxii. But the Authority of a *Father* and a *King* is somewhat Abated since those Days! Had *Isaac* been a *Whigg*, he had never Inherited the *Blessing*, he would have held up *Magna Charta* against the *Old Man*, and Pleaded *Original Contract*, and the *Independent State of N-*

ext!

ture! Mr. *Hoadly* would have Taught him to Dispute his *Father's Title* (he might make him an *Usurper*, as he did *Adam*, if he had not the free Consent of all his *Subjects*, or if he *Tyrannized* afterwards) he would have told him that he was not a *King*, or if he was, yet that he had not an *Absolute Unlimited Power* to put an *Innocent Person* to Death, at his own meer Will and Pleasure! Or that *Isaac* was not Obliged to take his Word (if he told him) that he was so Commanded by *God*: Mr. *Hoadly* would have called it *Bigotry* in *Religion*, which (*Preface*, p. v.) he makes a *total Forfeiture of Authority*! And *Isaac* being next to Succeed, as the *Heir of the Promise*, he might then have Immediately come into *Possession*! Thus the *Looser the Prince, the Better* — — And his *Authority* is *Securer*! But have a Care of *Religion* for then Comes in *Bigotry*! And that is a *total Forfeiture*! It wou'd be thought *Bigotry* now; if a Man should pretend a *Command of God* to Kill his *Son*.

But, Mr. *Hoadly*, We have still some *Remainder* left of these Ancient *Kingdoms* in *Families* or *Clans* among the *Indians* in *America*, where we find less Powerful *Kings* than *Abraham* in his *Family*: And like Him they have no settled Bounds of their *Kingdoms*, which are not tyed to such a particular *Place*, but they are *Itinerant*, and move

move from one Country to another. Yet we call them *Kings*, and they are such. And their Power is *Absolute* over their own *Dependents*.

(4.) This may help to let Mr. *Hoadly* see the Solution of a Difficulty he seems not to Understand, p. 64. where he Infests largely upon *Abraham's* Purchasing a Field from the Children of *Heth*. Gen. xxiii. Whence he supposes, That they must be in a State of *Independency*, because ther is no *King* or *Governour* Named, but that he transacted with the *People* of the *Land*.

But this will no more Prove that they had no *King* or *Governour* among them, than that the *Indians* have none, because it is said every Day, That We have Peace or War with the *Indians* of *Canada*, or the *River Nations* that is, who live upon such a *River*, and yet their *King* was here with us the other Day. So it is said, We have War with *France* or *Spain*, &c. Have they therefore no *King* or *Government* among them? such Phrases and common Ways of Speaking will not prove *Facts*.

(5.) Then he proceeds p. 65. to Gen. xxxvi. Where several *Kings* of *Edom* are Named, and not one of them (says he) Succeeded by *Right of PRIMOGENITURE*, or had any Relation to his Predecessor. How does he Prove this? He says, as far as appears, that is, it is not so said in that *Chapter*. Then,

as far as appears, they might have had Relation to their Predecessors, and by Primogeniture too, for the Contrary is not said, nor how these Kings stood Related to each other, whether of Whole or of Half Blood, or for want of more Immediate Heirs. But the Dukes of Edom are particularly Named in that Chapter, and their Descent from Esau. And Duke is as good a Name as King where it is Used to express Sovereign Authority. Thus the great Duke is the same with the Emperour of Moscovy. But still here was Government, whether the Governour was called King or Duke, or by whatever other Name. And the Independent State is left Quite behind.

Grotius says all the Difference between these Kings and Dukes of Edom was that the Kings had Crowns, but not the Dukes. And he is of Opinion, That these Kings were not of the Posterity of Esau. But I rather think with Cornel. a Lapide that they were, and Job one of them, Great Grand-Son to Esau. And in the Genealogy there Reckoned, it is frequent in that very Chapter to Denominate the Sons by their Mothers, which when Polygamy was used, did Distinguish them the better. And Gen. xlvi. the Sons of Jacob are called the Sons of their Mothers. And even in David's Time, Joab, Abishai, and Asabel, are called the Sons of Zerviah who was their

their *Mother*. i Chron. ii. 16. They were always called so, and their *Father* is no where Mentioned. This may Solve these *Kings of Edom* not being Called the *Sons* of each other, and yet they might be so, tho' by different *Mothers*. But if it be all in the Dark Mr. *Hoadly* can make no use of it. Therefore we go on,

Here also we may see how the World came to be Peopled in those Days, for it is said in the same Chapter, ver. 6, 7. That *Esau* took his *Wives* and his *Sons* and his *Daughters* and all the *Persons* of his *House*, and his *Cattel*, and all his *Beasts*, and all his *Substance*, which he had got in the *Land of Canaan*; and went into the *Country* from the face of his brother *Jacob*: for their *Riches* were more than that they might Dwell together; and the *Land* wherein they were *Strangers* could not bear them; because of their *Cattel*. Thus dwelt *Esau* in *Mount Seir*. And thus we see it among the *Indians* at this Day, where ther is more *Land* than *Inhabitants*, they Remove from one Place to another, in *Colonies*, as they find most Convenient for *Pasture*, or other *Accomodations*. And when we come among them, they Dispute not for *Land*, ther is more of that than they know what to do with; and they are glad of *Neighbours* who will live Amicably with them. They possess *America* like *Tenants in Common*. And so it is

with the *Tartars* in the North of *Asia*, where the Country is but thinly Peopled, and there are vast Wastes of Ground Uninhabited. And so it must have been in the first Ages of the World, and much longer after the *Flood* than the Time of *Abraham*, when the whole *Earth* lay as a Farme to be Occupied by a very few People, in Comparison of what are Now. And one had Choice of Countries to go to, where he and his wou'd be Welcome upon very easie Terms. This was the Case of *Abraham* and the *Patriarchs* Sojourning in the Land of *Canaan*, and Travelling from one *People* to another. They still Retained the Government of their own *Families* and *Dependents*, and were Entertained as *Neighbours*, not as *Subjects* by the *People* where they Came, none of which they found without *Governours* over them, none in Mr. *Hoadly's* Independent *State*.

(6.) Of which himself gives an Instance in the same p. 65. N. 6. concerning the *Hivites* another People to whom *Jacob* came, Gen. xxxiv. where it is said, that *Hamor* was *Prince* of the *Country*. But Mr. *Hoadly* puts this off with this Remark, that he is only called *Prince*, not *King* of the *Country*. As if *King* and *Prince* were not *Synonimous* Terms even now among us. But you may say, That tho' every *King* is a *Prince*, yet every *Prince* is not a *King*.

True.

True. But none is called *Prince* of a *Country*, but he who has the *Supreme Government* of the *Country*. And then it means the same as *King*, that is, the *Supreme Governour*, who has several *Names* in several *Countries*, as *Duke*, *Prince*, *King*, *Emperour*, *Sultan*, *Sophy*, &c. And I contend not about *Names*. If *Hamor* had been call'd a *Prince* in that *Country*, ther had been more Room for this *Criticism* of Mr. *Hoadly*'s, to have made him only a *Great* or *Eminent* *Man* in that *Country*, but being called *Prince* of the *Country*, will not agree to Mr. *Hoadly*'s *Diminitive*. In the *Greek* it is *Ἄρχων* the *Chief* or *Sovereign Ruler*. And his Son *Sechem* being Named with him, and Acting in all that Matter Jointly with him, seems to Infer that he was his *Eldest Son*, who was to Succeed him, as his offering *Never so much Dowry*, &c. At least Mr. *Hoadly* cannot bring any *Proof* from hence, That that *Government* was not *Hereditary*. And then in vain has he brought this *Instance*.

But he Labours it further p. 66. and says, That *Hamor* treated with *Jacob* as a *Stranger*, and *Independent* on him, which *Monarchs* do not do now, but *Claim a Right* over *Strangers* coming into their *Dominions*. I answer, not over all *Strangers*, as we did not over the *Czar* of *Moscowy*, or any of his *Subjects* whom he
F 2 brought

brought over hither to Attend him. Nor over the Four *Indian Kings* were here last Summer. And *Jacob* with his *Sons, Family, and Dependents*, might be a greater *King* than some of them. So that instead of *Strangers* Mr. *Hoadly* shou'd have said *Stragglers*, who have no *Aboard*, nor any *Prince* over them. For these come to the Share of any *Government* whither they *Wander*. Besides what I have said above, That the *Countries* being then thinly *Peopled*, and more *Land* than they cou'd make use of themselves, they might be Willing to Receive *Strangers* among them, by whom they might Benefit. This is the Argument *Hamor* made use of, ver. 21, &c. *These Men are Peaceable with us, therefore let them Dwell in the Land, and Trade therein; for the Land behold it is Large enough for them, — Shall not their Cattel, and their Substance, and every Beast of theirs be ours?*

But hence Mr. *Hoadly* frames another Argument, that *Hamor* did not *Command* his *Subjects*, like an *Absolute Monarch*, but *Reasoned* with them, and *Persuaded* them. To which I say, That ther is not a *Monarch* in the *World*, how *Absolute* foever, but wou'd be Willing to have his *Subjects* satisfy'd in all his *Administration*. But especially in such a *Cafe* as this, to have all their *Males Circumcised*, which besides that

that it was putting them to Great *Pain*, seemed so strange a thing, and like initiating them into a New *Religion*, as well as into a New Set of *People*, instead of these *People* Incorporating with them. It was like giving up not only their *Religion*, but their *Country* to these *Strangers* who came to Sojourn among them. And what Wise *Prince* wou'd not Endeavour to Satisfy his *People* in such a Case as this? They might have thought him downright *Mad* to have Commanded so *Extravagant* a thing without knowing any Reason whatsoever for it, as if he had Ordered them every *Man* to slit his *Nose*, without Why or Wherefore!

(7.) His *Num.* 7. is in the same p. 66. Where he wonders ther shou'd be 33 *Kings* among the *Canaanites*, who were Conquered by *Moses* and *Joshua*. But when he Recollects that these were the Posterity of *Ham*, of whom 30 are Reckon'd in the tenth of *Genesis*, he will not think it so strange that ther were 33 of them so many Ages after.

(8.) His eighth *Proof* is p. 67. where he says it is *Probable*, and then that it is *Plain*, That the Government of the *Gibeonites* was both *Aristocratical* and *Democratical* mixt. The *Mixing* these two *Opposite* sorts of *Government* is something singular. For if it be *Aristocratical*, it is not

Domocratical, and *e Contra*. Else these Two mean the *same*, and so the *Distinction* is *Vain*.

But how does he *Prove* that *Either* or *Both* of this *Same* was the *Governmeat* of the *Gibeonites*? Because *Josh. ix. 11.* it is said that these *Messengers* were sent by the *Elders* and *all the Inhabitants of their Country*, who spoke to them, saying, &c. Here is *Elders*, that is *Aristocratical*, and *All the Inhabitants*, that must be *Democratical*. And did *All the Inhabitants* speak to them? What? *Man, Woman*, and *Child*? I doubt here must be some *Limitation* of this *Expression*. And that Mr. *Hoadly* must Recur to what he allowed p. 47. (of which I minded him before) “That *People* may be “said to do what is *Consulted* and *Com-*“*manded* by their *Governors*. „ Otherwise I may shew that the *Government* of the *Jews* at that time was both *Monarchical*, *Aristocratical*, and *Democratical*. For *Joshua* Commanded in Chief, that was *Monarchy*, and in the same *Chapter* mention is made of the *Princes* of the *Congregation*, and *ver. 14.* it is said that the *Men*, that is, the *People*, took of their *Victuals*, or as it is Render'd in our *Margin*, *They received the Men* (that is the *Messengers*) *by reason of their Victuals*. And so the *People* were Deceived by them. Here is *Aristocratical* and *Democratical* Both. Yet it is

is Certain that *Joshua* was sole *Monarch*, and as *Absolute* as *Moses*, that it was *Death* to any who should *Rebell* against him, or not *Obey* him *in all that he Commanded*. *Josh.* 1. 17, 18.

But Mr. *Hoadly* will be apt to say, That it was the *People* vested him with this *Authority*, because they *Consented* to it. *Ans.* It was a *Consent of Duty*, not of *Authority*. Of which see before, *Sect. vi. N. 7.* For *God* gave *Joshua* the *Authority*, and *Joshua Commanded* the *People* ver. 10. before their *Consent* given ver. 16, 17, 18. And *God* did chuse *Joshua* by Name to succeed *Moses*. *Num. xxvii. 18. &c.* And the *People* no more *Chose Joshua* than they *Chose Moses*, whom they *Rejected*, saying, *Who made thee a Ruler and a Judge?* *Act. vii. 35.*

But to the Point of *Mixing* different sorts of *Governments*, wherever the *last Resort* is, That Denominates the *Species* of the *Government*. If in *One Man*, it is *Monarchy*; if in *a few*, it is *Oligarchy*, and that is *Aristocracie*; if in the *Body* of the *People*, it is *Democracie*. And these can no more be *Mixed*, than *One* can be *Twenty*, or *Twenty Ten Thousand*. If the *Government* be *Monarchy*, it is not *Aristocracy* or *Democracy*, and if it be *Aristocracy*, it is neither of the other, and so if it be *Democracy*.

Again, the *Species* of the *Government* is Determined by what is the *Fountain* of the

Government, from which all Inferior Authority is Derived, to which it is Accountable and Forfeitable. Thus if the Original Power be in the People, it is Democracy, tho' ther be One called King upon the Throne, or a Senat of Nobles or Commons. For these are but the Ministers of the People, Accountable to Them, and Despoileable by Them. Look then Who it is that Grants all Commissions, and Himself has no Commission from any in the Government: See to whom it is that all Forfeitures are made, of Life or Estate; and there you will see the Fountain and Original of Government.

Lastly, The Power of Punishment is inseparable from all sorts of Government. And all those upon whom it may be Inflicted are the Subjects. But whoever are, by the Laws and Constitution, freed from all Coercion or Punishment, there the Supreme Power is Lodged, and the Fountain and Original of Government is there. From whence only can flow the Power of Punishing others, and to be Unpunishable it self.

And where this Power was lodged in Gibeon (which is Reckon'd as one of the Royal Cities, and greater than Ai. Chap. xi. 1, 2.) I believe Mr. Hoadly will hardly be able to gather from the Words of their Messengers, who pretended to have come from a very far Country, and Lyed in all they told, to Joshua, and might have Lyed as to their

their *Government* too; for if they had named their *King*, it wou'd have Discover'd their Plot, being so near 'Neighbours. But ther is nothing said of their *Government* in this Chapter, and Mr. *Hoadly's* Inferences are all Precarious.

(9.) His ninth is p. 67. of the People of *Laish*, who lived *Careless* and *Secure*, without any *Magistrate* to put them to *Shame* in *any thing*. Whence he wou'd Infer, that they had no *Government* at all, at least he is very sure it was not an *Absolute* and *Hereditary Monarchy*. But how does he know that? For there have been *Lazy Monarchs* who did not put the *Wicked* to *Shame* in *any thing*. The Meaning of this Manner of Expression concerning *Laish* may be gather'd from the same *Verse* of *Judg. xviii.* Where it is mentioned, it is said, *ver. 7.* *How they dwelt Careless, after the Manner of the ZIDONIANS, quiet and secure, and no Magistrate that might put them to Shame, &c.* Now it is Certain ther was a *King* of *Zidon*. *1 Kjn: xvi. 31. Jer. xxvii. 3.* And it seems that *Laish* did belong to his Dominions, for when the *Danites* fell upon them it is said, *Judg. xviii. 28.* *That they had no Deliverer, because it was far from ZIDON*, which supposes them at least to be some way under the Protection of that *King*. But Mr. *Hoadly* lays no great Stress upon this *Instance* of *Laish*, and says, *I confess*

confess the Passage is something Obscure. And so I think we may leave it.

(10.) And come we now to this Last and Great Instance of the *Kingdom of Israel*, which begins p. 67, and is carry'd on p. 68. The Sum of which is to shew, That ther was an *Elective Monarchy* in *Israel*, and that even in *Judah* the *Succession* of the *Crown* did not go by *Primogeniture*. He says p. 68. " The Kingdom of *Judah* was not E-
" stablished in *David's Eldest Branch* by
" God himself; nor would have been con-
" tinued in his *Family*, but by a *New par-*
" *ticular Divine Command.* „ By this ther
was to be a *New particular Command of*
God for every one of the *Sons of David*
that shall succeed him, else they had no
Right at all; and ther was no *Entail* of
the *Crown* to *David* and his *Sons*. The con-
trary of which cannot, I think, be more
Plainly Expressed than it is ii. *Chron. xiii.*
5. Where it is said, *That the Lord God of*
Israel gave the Kingdom over Israel to David
for ever, even to him and to his Sons, by a Co-
venant of Salt. And *Chap. xxiii. 3. Be-*
hold, the Kings Son shall Reign, as the Lord
hath said of the Sons of David. And this
was to put one out of Possession (by Ver-
tue of this *Entail*) who had held the *Crown*
seven Years.

And

And as to the *Kingdom* of the *Ten Tribes*, called the *Kingdom* of *Israel* after their Revolt under *Jereboam*, he says, “ It was left void of such a *Rule* (of *Hereditary Monarchy*) by God himself, and the *People* “ under no *Obligation* to keep to it.” That is to say, They having Broke the *Rule*, they were under no *Obligation* of keeping to it! And God left them, *to follow their own Imaginations*, or as we say of a very *Wicked Man*, *God has left him to himself*. But how God approved of this, you may see *Hos.* viii. 4. Where God says of these same *Israelites*, *They have set up Kings but not by Me; they have made Princes, and I knew it not.* To this says Mr. *Hoadly*, “ They are indeed Taxed with setting up “ such *Kings* and *Princes* as were displeasing to God.” But, Mr. *Hoadly*, they were not Answerable if the *Kings* they Chose prov’d *Wicked* afterwards. Else, Wo to Elective Kingdoms! But if God had given them Power to Choose their own *Kings*, they cou’d not be Charged with Choosing according to the best of their Skill. And *Vox Populi* had been *Vox Dei* in this Case. But what they are Taxed for is, their *Setting up* and *Making*, that is I think *Choosing* or *Electing* thier *Kings*. And it cou’d not have been said, That they did it *without God*, or that He knew *nothing of it*, if He had given them *Authority*

thority so to do. To say, they *Fail'd* or were *Mistaken* in their *Choice*, and that This only was their *Crime*, is a pure Addition of Mr. *Hoadly's* to the *Text*. And Cloggs the *Election* of the *People* at such a Rate, that no *Wise* or *Good* Man wou'd be Concern'd in it, to Hazard his *Soul* upon the *Worth* of the *Person* whom he Chooses, or for his Continuing *Good* unto the *End*.

And if this was the *Cafe*, the *People* of *Israel* had ill Luck, for of their Nineteen *Kings* (which was all they had) ther was not one *Good*. In *Judah* some of their *Kings* were *Good*, but of *Israel* not *One*. To shew the *Inerrability* of the *Choice* of the *People*, and how far their *Voice* is the *Voice* of *God*! And by Mr. *Hoadly's* Exposition of *Hos.* viii. 4. God did not Approve of any one single *Choice* the *People* made, and Consequently not of *Jeroboam* their first *King*, who was not made by *God*, nor with His *Knowledge* or *Consent*, if this *Exposition* be True — Nor if it be not True. That is, whether you will take Mr. *Hoadly's* Exposition of this *Text*, or *Mine*, which is the common *Opinion*, *viz.* That God did here Reprove the *People* of *Israel* for their having thrown off the *Hereditary* Government of the *House* of *David*; and taking upon Themselves to Choose their own *Kings*. And indeed the Words cannot be *Screw'd* to any other *Sense*, tho' Mr. *Hoadly* has done his *Best*. After

After this he Over-Hales again what he had said before, by way of Recapitulation, and tells of the *Kings* of *Edom*, &c. up all the way to the Division of *Nations*, and makes sure of his Point, p. 69. where he says, " Nay, what need of more Words, " when it is Plain to a *Demonstration*, that " there were no such *Monarchies* Instituted " by *God* Gen. x. as is pretended." Then he runs thence as far as *Adam*, and Repeats what we have talked over already, and Concludes all he has said to be *Demonstration*! This goes on to p. 85. where he begins his Argument from the *Practice* and *History* of the *Heathens*.

But before I come to that, I wou'd take Notice of a pleasant Stroke or Two he has in this, which I have not yet touched upon. The First is in p. 70. N. 5. where making Absurdities that wou'd follow from the *Eldest Son* Succeeding to the Authority of the *Father*, he makes this a Principal One, That it wou'd Infer the *Son* after his *Father's Death*, to have a *Marital Authority* over his *Mother*! That is, to be his *Mother's Husband*! Without which he cou'd have no *Marital Authority* over her. Upon which I wou'd Advise him to Consult 1. *Kjn.* xv. 13. and to tell me, when King *Aса* Removed his Mother *Maacha* from being *Queen*, because she had made an *Idol*, whether

whether he cou'd do it by Vertue of any *Marital Authority* he had over her? And Mr. *Hoadly* can find no other! I suppose the Reader will not Expect that I shou'd dwell longer upon this Argument. The Case of a *Queen-Mother* under the *King* her *Son* being Obvious to every Body. Yet Mr. *Hoadly* is so Fond of this New Invention, that he Repeats it over and over again, and p. 85. he puts it into the *Recapitulation* of this his *Recapitulation*.

The other *Rarity* he has found out begins at the End of p. 82. where from *i Chron. 5. 1, 2.* it being said, that *Reuhen* was the *first Born*, but *because he defiled his Father's bed*, his *Birth-Right* was given unto the Sons of *Joseph* — For *Judah* prevailed above his Brethren, and of Him came the *Chief Ruler*, but the *Birth-Right* was *Joseph's*. Hence Mr. *Hoadly* wou'd Infer, That *Birth-Right* and *Dominion* were *two distinct things*, so that one might have the *Birth-Right*, and another the *Dominion*. I know no Body will Deny him this, for we have seen it in other Cases besides this of *Reuben*, as of *Solomon* and *Adonijah*, &c. But what will he Infer from hence? What he wou'd make of it, is, That the *Dominion* was not Annexed to the *Birth-Right*. And so the whole Argument of *Primogeniture* falls! But by his good Leave, this Proves the direct Contrary. For I wou'd

Ask

Ask him, what was it that *Reuben* Forfeited? Was it his *Birth-Right* it self, so as to make his *Younger Brother* Really and Literally *Older* than Himself! This is Absurd and a Contradiction. By *Birth-Right* then must be meant here some *Right* that belonged to the *Birth*. And that is here Explained to be the *Dominion*. For of *Judah* came the *Chief Ruler*. And if I mistake not, this Proves that the *Dominion* was Annexed to the *Birth-Right*, that is, in the Common and Ordinary Method. But God might Alter this in what *Instances* He pleased, as in this *Case* of *Reuben*, so of *Adonijah*, whose *Birth-Right*, that is, to the *Crown*, was given by *God* to *Solomon*. And *Solomon* did not Deny the *Right* of *Primogeniture* to be in *Adonijah*, for he said, i *Kin.* ii. 23. “ Ask for him the *Kingdom* also, for he is mine *Elder Brother*.” So that the *Birth-Right* and the *Dominion* did here mean the same thing. But God did Transfer, not the *Birth*, but the *Right* of the *Birth* to *Solomon*, as in the former *Case* of *Reuben*. Yet Mr. *Hoadly* says, p. 84. “ That the *Birth-Right* forfeited by *Reuben* was a thing wholly Distinct from *Civil Rule* and *Dominion* over his Brethren. And (says he) This is a plain *Text* (i *Chr.* 5 1.) and without any Obscurity; making a Distinction between them. And I challenge the greatest

“ test Patrons of this Scheme, to produce
 “ one, so free from all Exception, which
 “ makes the Birth-Right, and Civil Domi-
 “ nion, the same thing,” Thus Mr. Hoad-
 ly. And the very *Text* he names i Chr. 5. 1.
 Proves them to be the same in this Sense;
 That *Dominion* was annexed to the *Birth*
Right, in the ordinary Course of *Succession*;
 and in no other Sense did any ever say
 they were the same: This is one Instance,
 among many more you have seen of Mr.
Hoadly's Method and Assurance of Argu-
 ment! Let him if he can, give any other
 Sense of this *Text*. If he cannot, to what
 Purpose did he bring it in? Or how does
 it Militate against the Rehearsals. He
 Objects against his Meaning of it, but gives
 none other himself. And indeed his whole
 Argument is to make *Nonsense* of that
Text!

He makes himself Merry with that Part
 of it, the *Birth-Right was Joseph's*. Whence
 lie wou'd Infer, p. 84. That if by *Birth-*
right his *Dominion* was meant, then, says
 he, “ Another very Unlucky thing follows
 “ from this *Text*, That a *Birth-right* may
 “ be given to more than One, and be di-
 “ vided between Two (i.e. the two Sons
 “ of Joseph) according to the *Letter* of the
 “ *Text* — Nay between Ten Sons of the
 “ same Family; for the *Right to Govern*,
 “ was fixed to no one of the Ten Tribes.”

How

How Pleasant is Mr. *Hoadly* upon this Text? And how does he mend the Matter? For if by Birth-right here is not meant the Dominion, but Literally the Primogeniture only, then it will follow (according to Mr. *Hoadly*) That each of these Ten Tribes was the Eldest, and by the same Consequence, each was the Youngest! Whether is this Easier, than that the Posterity of *Ephraim* (the Son of *Joseph*) should obtain the Dominion of the Ten Tribes, thence called *Ephraim*? And that this should be the Meaning of the Birth-right in this Text? And then Birth-right and Dominion are Synonymous Terms.

And to shew further that they are so, we find the Title of first-Born given to those who had the Dominion, tho' they were not the first-Born. Thus *Israel*, that is, *Jacob*, was called the first-Born, Exod. iv. 22. Thus saith the Lord, *Israel* is my Son: even my first-Born. Tho' it is Plain that *Esau* was Naturally the first-Born. And thus *Manasseh* was the first-Born of *Joseph*, yet his Younger Brother *Ephraim* is called the first-Born. Jer. xxxi. 9. *Ephraim* is my first-Born.

And thus in our Common way of Speaking, the first-Born and Heir are Synonymous Terms, because it is so in the common Course. But if the first-Born be Disinherited, and the Younger Succeeds to

his *Father*, he is called the *Heir*, which is the same as *first-Born*, that is, he comes into the *Privilege* of the *first-Born*.

And this is such an *Established Noti-*
on every *Where*, That if the *Younger* *Suc-*
ceeds in the *Dominion*, or to an *Estate*, it
looks *Strange*, and *People* are *apt* to *In-*
quire into the *Reason* of it, and it seems
an *Injury* done to the *Elder*. But *none*
think it an *Injury* done to the *Younger*,
when the *Elder* does *Inherite*, and it is called
his *Birth-Right*.

It is told ii *Chron.* xxii. 1. That *Aha-*
haziah the *Youngest Son* of *Jehoram* did *Suc-*
ceed him in the *Kingdom*, but the *Rea-*
son is given in the same *Verse*, because the
Arabians had *Slain* all the *Eldest*. Which
shews it was then *Esteemed* the *Right* of
of the *Eldest* to *Reign*. As it is said, ii
Kin. iii. 27. *He took his Eldest Son that should*
have Reigned in his Stead —

But to *Return*, Mr. *Hoadly* *Objects* in
the same p. 84. That the *Kingdom* of
Israel, that is, of *Ephraim* or the *Ten Tribes*,
was *Elective*, and therefore that the *Domi-*
nion of *Ephraim* was not *Hereditary*. Well,
what has this to do with the *Birth-right*,
or what the *Privilege* of *That* was? Or
what was meant by it in that *Text* i *Chron.*
v. 2? But if it was *Dominion*, tho' over
an *Elective Kingdom*, it was *Dominion* still.
And continued still in the *Posterity* of
Ephraim,

Ephraim, tho' it often Changed Hands, and went from one *Family* to another. But this *Kingdom* was not strictly *Elective*. It is called *Elective*, because the first Rise of it was such under *Jeroboam*. And because the *Hereditary Succession* of their *Kings* was so often Interrupted by *Treasons* and *Rebellions* of the *People*. But otherwise, *Hereditary* was the *Rule* even among Them, and that without any *New Election*. Thus when *Jeroboam* was Dead, *Nadab* his *Son* Reigned in his Stead. *i Kin. xiv. 20.* But *Baasha* Conspired against him and Smote him, and Reigned in his Stead. *Chap. xv. 27, 28.* And destroyed the whole *House* of *Jeroboam*, so that no *Heir* was left there. And after *Baasha*, his *Son Elah* Succeeded him. But *Zimri* Destroyed him, and the whole *House* of *Baasha*, that he left him not *One*, neither of his *Kinsfolks* nor *Friends*: *Chap. xvi. 10, 11.* So that here was no *Heir* left neither. *Zimri* was Destroy'd by *Omri*. And after *Omri*, his *Son Ahab* Succeeded. And *Ahaziah* Succeeded *Ahab* his Father. And when *Ahaziah* was Dead his Brother *Jehoram* Succeeded him, and the Reason is given *ii Kin. i. 17.* because he had no *Son*. This was strictly pursuing the *Rule* of *Hereditary Right*. *Jehoram* or *Joram* was Slain by *Jehu*, who cut off the whole *House* of *Ahab*, so that no *Heir* was left. And after *Jehu*, his *Son Jehoahaz* Succeeded,

Succeeded. And after him, his Son *Joash*. And after *Joash*, his Son *Jeroboam*. And after *Jeroboam*, his Son *Zachariah*. He was slain by *Shallum*. And *Shallum* by *Menahem*. And *Pekahiah* his Son Succeeded him. And *Pekah* Conspired against him, and Slew him, and Reigned in his Room. And *Hoshea* Conspired against him, and Slew him, and Succeeded him. Then *Israel* was carry'd away Captive, and there was an End of the *Kingdom* of the *Ten Tribes*. I have gone through the *Succession* of all their *Kings*, in all which ther is Nothing can be called the *Election* of the *People*, unless in the Case of *Jeroboam* their first *King*, and afterwards of *Omri*, for ther was a Division of the *People* as to him. All the Rest were *Hereditary*, except where *Treason* and *Usurpation* did Interrupt. This was not an *Elective Kingdom*, like *Poland* or others so called now among us, where upon the Death of every *King* a New *Election* must be made, and till then the *Throne* is *Vacant*. Mr. *Hoadly* Cannot shew such a *Constitution* in those Days, either in *Israel*, or any where else in the World.

(11.) But p. 77. N. 4. he brings what he calls “ *An unanswerable Demonstration* a-“ gainst a *Divine Appointment* in favour of “ the *first-Born*. ” And that is, “ If it be “ in the *Father’s Power* to *Dismiss* or *Dis-“ inherit* his *Eldest Son*, as *Jacob* did *Reu-*

“ *ben-*

" *ben.* For, says he p. 78. This Absolute
" Power in *Fathers*, puts it entirely in
" their Breast, whether any one *Eldest Son*
" in the World shall ever Succeed in the
" Government or not. And then what sig-
" nifies the *Divine Institution*?

Ans. 1. It wou'd signify a great deal notwithstanding all this. For it wou'd put it out of the Power of the *People*, which is a Contradiction to all *Government* whatsoever ; while the *Divine Institution* left it only in the Hands of the *King and Father*.

2. This Instance of *Jacob's Disinheriting Reuben* will not Infer the like Power in all *Fathers*. Because *Jacob* was a *Prophet*, and this *Disinherison* of *Reuben* was nothing *Personal* as to him, but a *Prediction* of what should befall his *Posterity* in the *last Days*. As it is said Expressly, *Gen. xlix. 1.* Tho' the *Rise* is taken from *Personal* things done by *Reuben*, and others of his *Brethren*. And the like of *Jacob's* being Preferred to *Esau* his *Elder Brother*. As is fully shewed in the *Rehearsal*. Vol. 1. N. 60. Which, tho' Mr. *Hoadly* is here *Answering*, yet still Remains a full *Answer* to all that he has said.

He further Urges, p. 78. N. 5. That *Esau* expected the *Blessing* from his *Father*, and not from *God's own Appointment*. Ans. The *Blessing* was *Prophetical*. Therefore *Esau*

cou'd Expect it from none but his *Father*. And this is the Reason why *Isaac* cou'd not Recal it, tho' he was Deceived in the *Person*. As is plainly told in the said *Rehearsal*. N. 1. But Mr. *Hoadly* Repeats *Objections*, without taking Notice of the *Answers*, tho' he Quotes this same *Rehearsal*!

He has another Notable Argument in the same p. 78. N. 6. "That both *Esau* and *Reuben* forfeited their *Primogeniture* for Personal *Crimes*. Thence infers, that *Kings* may *Forfeit* for their Personal *Vices*, if the Right of *Primogeniture* be a Right to *Civil Authority*: But (says he) *Kings* do not *Forfeit* for their Personal *Vices*; *Ergo*, The Right of *Primogeniture* is not a Right to *Civil Authority*." This is Smart! And to Oblige Mr. *Hoadly* beyond all Measure, and give him the full Scope of his Argument, I will Grant him what he most Desires, Which is, That *Kings*, or *Fathers*, or *First-Born*, may *Forfeit* their *Authority* for every the least Personal *Vice*. And now I think he cannot say, but that I am very *Generous* to him. But then this being Granted, I must put in a *Saving*, That the *Forfeiture* must only be to His, or Their *Superiour*, that is, of *Kings*, or Independent *Fathers*, to *God* only, and of the *first-Born* to their *Father*. But in all Cases I must keep out your *Mobb*, and never

never let the *People* be *Judges* over their *Goveronours*; for this is all *Contradiction*, and *Confusion* to the End of the *World*! Thus tho' *God* Rejected *Saul* for his *Personal Crimes*, and *Esau* and *Reuben* were Rejected for theirs by their *Fathers*, yet it will not follow, That the *People* can Reject their *Lawful Prince*, nor *Sons* Depose their *Fathers*. Mr. *Hoadly* cannot but see the *Fallacy* of this *Argument*, That because a *Father* may *Disinherit* his *Son*, therefore a *Son* may *Disinherit* his *Father*, and turn him out of *Doors*. The *Sum* of the *Matter* betwixt Mr. *Hoadly* and Me is this, I think it most *Natural* that *Authority* shou'd *Descend*, that is, be *Derived* from a *Superior* to an *Inferior*, from *God* to *Fathers* and *Kings*, and from *Kings* and *Fathers* to *Sons* and *Servants*: But Mr. *Hoadly* wou'd have it *Ascend*, from *Sons* to *Fathers*, and from *Subjects* to *Sovereigns*; nay to *God* *Himself*, whose *Kingship* the *Men* of the *Rights* say, is *Derived* to *Him* from the *People*! And the *Argument* does *Naturally* Carry it all that Way. For if *Authority* does *Ascend*, it must *Ascend* to the *Height*.

But p. 79. N. 9. He Musters his whole Force against the *Primogeniture*, and shews the little Regard *God* had to it. For he Observes, "That *Jacob's* Eldest *Branch* did "not Reign. *Reuben's* *Line* was put "by; and *Judah's* Chosen. But in *Judah's*

“ Line, nor the *Eldest Family*; nor the
“ *Youngest*; nor this *Son's Eldest Son* after
“ his Death. These are the great Regards
“ of *Almighty God* to *Primogeniture*, so much
“ Boasted of; and made the Foundation
“ of so Important a Matter as *Civil Go-*
“ *vernment*.

But, Mr. *Hoadly*, these are but a few Changes. And if God had made many more, It is still a great Regard He has shewed to the *Primogeniture*, That He will not Allow any to set aside their *Right* but *Himself*, or Those to whom He has given such a *Power*. And if He has not given such a *Power* to the *People*, over their *Kings* and *Governours*, there is an End of the *Dispute* betwixt You and Me. But if you have Proved it any where, I pray you to tell me, for I cannot find it.

(XII.) We have now gone through all that is Alledged from the *Holy Scriptures*, concerning the *Original of Government*, the *Primogeniture* and *Succession* of it. Mr. *Hoadly* comes next to his *Heathen Authorities*, to see what he can Gather from thence. This he begins p. 85. and Continues it to p. 92. Which having Read twice Carefully over, to see where I cou'd find the Argument, I profess I cannot find it. The State of the Case is this. The *Rehearsal* had Blamed those who went to *Heathen*

Heathen Authors for the *Original* of Government, because None of their *Histories* Reached so High; and they knew not how the *World* or *Mankind* begun. And that the *Original* being in the *People*, and their Erecting *Government* for their own *Convenience*, was a meer *Thought* and *Imagination* of theirs, without any *Ground* or *Foundation* in the *World*, they not knowing how otherwise it should Begin, nor indeed how *Mankind* began, or the *World* it self, which therefore *Aristotle* thought to have been *Eternal*. For this Cause the *Rehearsal* did Expostulate with those *Christians*, who Leant only upon *Heathen Authorities* for the *Original* of *Government*, and Endeavour'd to bring them back to the *Only* and the *Certain* Account of it which is to be found in the *Holy Scriptures*. And this he has after much Pains (who wou'd have thought it wou'd Cost so much) happily Effected. This being the *Ground* of the *Debate* I have now with Mr. *Hoadly*.

And he takes Notice of this, p. 89. "That it was said the *Heathens* had Erred in this Matter, not knowing the *Scriptures, &c.*" In answer to which he says, "Where are the *Nations*, or *Writers*, who have Spoken, or Acted, Contrary to them in this?" This is a strange Way of *Answering*! When those *Nations* and *Writers*

Writers were Named to him, nay, whom he here Names Himself, p. 87. and urges their Authority, as of *Herodotus* and *Tully*, and *Aristotle*, for the State of *Equality* among Men, and their Setting up *Government* by their own Authority at the First. But the very next Words to those above Quoted of his p. 89. are these, “ I have “ alleg’d several things from *Moses*, and “ other *Scripture-Writers*, against this Pre-“ tence of *Universal Practice*. The People “ of the *Ten Tribes* knew the *Scriptures*; “ yet they lived under an *Elective King-“ dom, &c.*” And so he Runs on Repeating what he had so often said before, all which I have Answered. He was soon Weary of his Argument from the *Heathens*. Yet Concludes, as having fully Clear’d the Matter, “ Nor doth *Moses* say any “ thing more in favour of it, than either “ *Aristotle* or *Tully*.” In the next Words he Quotes the *Rehearsal*, Vol. I. N. 56. for this saying, That before the *Grecian Commonwealths*, the way and Manner of the whole Earth, without any Exception, was *Hereditary Monarchy in the Male Line*. These Words, in the *Male Line*, are an Addition of Mr. *Hoadly*’s. He wou’d fain Draw this in, and Charges that *Author* often with it. But he has not said a Word of it. Neither will I. And, Mr. *Hoadly*, I must tell you, That whatever you please to Infer

fer from another Man's Words, yet you ought always to *Quote* Fairly. Well, but what *Exception* does Mr. *Hoadly* find? Does he Name any *Government* that was not *Monarchy*, and *Hereditary*, before the *Grecian Commonwealths*? To this his *Answer* is in p. 88. in these Words, “Can this “Author Prove, against all the most *Ancient* “*Historians*, that the *first Kings* were so,” that is, *Hereditary*? Ans. The *first Kings* of which these *Historians* give an *Account* were so. But if he Means the *first Kings* that were in the *World*, (which is the *Dispute*) these *Historians* knew nothing of the *Matter*, only offer their own *Conjectures*, which signify Nothing, for the *Reasons* before told. *Justin* begins his *History* with this *Account*, *Principio rerum Gentium Nationumque Imperium penes Reges erat*. That is, *In the beginning of things, the Government of People and Nations was in Kings*. This was as far as they had any *Account* of things. But Mr. *Hoadly* pushes the *Question* further, and *Asks*, whether these *Kings* had their *Authority*, “By any Personal Right of their own, or *Divine Institution*? ” Ans. 1. These *Historians* cou'd tell nothing of That. They found these *Kings* in *Possession* at the *Time* whence they Began their *Histories*. And they knew Nothing of what was Before. Ans. 2. The *Matter* is not now, by what *Tenure* they Held,

Held, but whether *Monarchy* was not *Universal* before the *Grecian Commonwealths*?

Ans. 3. I am not bound to Answer you any of these Questions. The *Proof* lies upon you, to shew any *Government* but *Monarchy* before the *Grecian Commonwealths*.

You ask again of the *Rehearsal*, “Can he Prove that the *Roman Kingdom*, or all the *Grecian Kingdoms* were, in the *Male Line, Hereditary*, before the *Commonwealths* began?”

Ans. 4. You must have the *Male Line* in again, of which the *Rehearsal* said Nothing. But I will let you have it, and see what you can make of it.

Pray, Sir, How many *Queens* were ther in either the *Roman* or the *Grecian Kingdoms*? And how came they by the *Kingdoms*? I hope it was *Honestly*! But, Sir,

I have another *Question* to ask you, why you bid me look into the *Roman Kingdom* which was before the *Grecian Commonwealths* began, when they were Begun particularly at *Athens*, long before *Rome* was Built, or any *Roman Kingdom* in the World?

This was only to make your self Merry with the *Rehearsal*, and send him of an *April Errand*! But you ask him again, “Can he Prove that any one *Nation*, of

“those which submitted to *Hereditary Monarchy*, did it upon the Notion of the “*Unalienable Right of Eldest Sons*?” Really, Sir, I never Ask’d them. But finding

ding that *Hereditary Monarchy*, and in the *Eldest Sons* too, was the Common way among them, (tho' ther were Rebellious Sons and *Usurpations* then, as ther have been since) I cannot but fancy they had some *Notion* of it! But you put the *Rehearsal* very Hard to it in the next Question, *viz.* "Can he Prove that many of those *Unkown Nations*, and *Families*, of whom *Histories* are *Silent*, did not live under other *Forms of Government*, before they were Swallowed up by the *Torrent* of a prosperous *Neighbour*?" These are your Words. But, Sir, if these *Nations* and *Families* were *Unknown*, and all the *Histories* are *Silent* concerning them, how do we know they were *Swallowed up*? And how cou'd you Expect from the *Rehearsal* an Account of the *Forms of Government* of a *People* that are *Unknown*? But if he has all the *known World* on his Side, I think he ought to be Content! Suppose, Sir, I shou'd say, That every *Man* in *Britain* had *Red Hair*; and you shou'd Wager a *Hundred Pounds* with me upon that Lay. Wou'd it not lye upon you to produce a *Man* who had *Hair* of some other *Colour*? Or shou'd I be Obliged to go through every *Man* in *Britain*, to shew they All had *Red Hair*? And when I had taken an Account of every *Man* that was *Known*, wou'd it be Allow'd you to say, But

But how can he Prove that ther is not somebody who is *Unknown*, who may have *Black*, or *Brown Hair*? I put this Case, only to shew you your *Method of Argument*. It is the very same! To the same Purpose is your next and last Question, *viz.* “ Can he Prove “ that there never was an *Elected King*, “ or a *Government by a Council*, where “ there had not been before an *Absolute Hereditary Monarchy Settled*? ” Sir, for the Reason I have given, I will now set you upon the Hunt, to Prove the *Affirmative* of your Question, and not think my self obliged to stir one Foot in Quest of the *Negative*. I will only add the *Triumph* you make, upon your having Asked all these Perilous *Questions*, which is in the beginning of your p. 89. in these Words, “ And I appeal to any Impartial Reader, “ whether, from what I have already said, “ it doth not Appear that this *Hereditary Monarchy in the Male-Line* was not from “ the Beginning; - nor Ever esteemed by “ the *Nations of the World*, as essential “ to their *Government*. ” And I as fairly Join Issue with you upon it, and Leave it to the *Reader*, Whether, from All that you have said, you have Proved one Word of it? And not Rather, that you have Intirely given up the *Cause*, by such *Defences* as these?

I have now done with Mr. *Hoadly*, as to all his Arguments of *Facts*, drawn from the Holy *Scriptures*, or the *Heathen Histories*. And I am afraid the *Reader* will think I have been too *Tedious*, and taken *Needless Pains*, for that I might have *Dispatched* it in few *Words*, by putting the *Proof* upon *Him*, and shewing in the *General* that the *Facts* he *Produced* were all *Precarious*, and no *Direct Proofs*, as what he wou'd *Innuendo* from the *Gibeonites*, the *Edomites*, &c. Where the *Scripture* treats not of their *Government*, but brings them in upon other *Occasions*. And this indeed had been *Sufficient*, if I had only Intended to get Rid of Mr. *Hoadly*, or to have Gain'd a *Victory* over him. But I thought it wou'd be *Beneficial* to Examine him *Minutely* upon these *Points*, because it is the first time I could get these *Adversarys* of *Government* upon the *Ground* I would have had them, that is, the *History* of *Government* as it is *Recorded* in the Holy *Scriptures*. And Mr. *Hoadly* having Come into this *Field* with me, I wou'd not leave any *Particular* unexamin'd that he has *Insisted* upon. For this may be the *Last* time that *He* or any other will *Adventure* to put the *Cause* of *Government* upon this *Issue*. Therefore I endeavour to make this *Treatise* what I have Called it, the *Finishing Stroke*.

(XIII.)

(XIII.) Having thus gone through the Argument of *Fact*, I will Proceed to the *Doctrinal* part, some *Texts* of *Scripture* which have been greatly Bandy'd; And the Reasonings of Mr. *Hoadly* as to the *Nature of Government*, the *Extent, Conditions*, and *End* of it. I begin with that *Text Rom. XIII. 1.* Upon which Mr. *Hoadly* Preached before the Lord *Mayor* of *London* the 29th. of Sep. 1705. And gave Rise to the great Disputes have been upon that *Text* since Mr. *Hoadly* wrote his *Measures of Submission* in Defence of that *Sermon*. And the Import of Both is, to Justify *Resistance* from that *Text*, which Pronounces it to be *damnation*! Nay not only to make it *Lawful* to *Resist*, but *Necessary*, in some Cases, and our *Duty*, and that for *Conscience Sake*, so that we *Sin* if we do not *Resist*. For says he in his *Sermon* p. 8. (it is that *Edition* Printed together with his *Measures &c.* 1706.) Speaking of such a *Non Resistance*, *It is a Tacit Consent to the Ruin and Misery of Mankind*. Repeated again in his *Measures*, p. 38: And he says p. 111. " It is a *Crime* in any *Man* " to bear a *Part* in the *Illegal* and *Unjust* " *Oppression* of his *Country-Men*: And is " not *Passive Obedience* upon the same " account a *Crime*, when it *Contributes* " visibly and *immediatly* to the *Ruin* of " the *Publick Society* to which we belong? But

But he can make his *Resist*, and St. Paul's *not Resist* to mean the same thing! And thus he does it. In *Some Cases* we must *not Resist*, this is for St. Paul: And in *Some Cases* we ought to *Resist*, this is for Mr. *Hoadly*! But does St. Paul name any Case wherein we may *Resist*? No. But Mr. *Hoadly* does it for him. What signifies a *Commentator* if he is *Tyed up to the Word's* of a *Text*?

Yet Mr. *Hoadly* is very Reasonable, He desires but one *Case* to be Excepted. That is (as he words it p. 30.) *The Ruin of the Publick*. Where the Lives and Fortunes of the Governed Body are to be *Submissively given up*. As if, says he, p. 184. *The King should Ordain the Devastation and Destruction of the whole Nation under him.*

Then he Requires p. 30. That this *Case* must be *Plainly so seen to be*. Not *Jealousies* and *Fears*, nor any Room for Different Opinions, for any Suspence or Doubt in the Matter.

In this *Case* only he allows of *Resistance*. But not for any *Private Injuries* done to *Particular Persons*. For in these he Grants ther is a *Last Resort* in the *Government*, by whose Determination we ought to *Abide*, even tho' *Wrong* or *Injustice* be done to us. As he says, *ibid.* p: 30.

“ There is no Appeal from what is
“ called the *Last Resort*, in Cases *Criminal*,
“ or *Causes of Private Right*: But there
“ is no such thing as such a *Last-Resort*
“ in *Government*, at the *Decree* and *Deter-
mination* of which, the *Lives* and *For-
tunes* of the *Governed Body* are to be Sub-
“ missively given up.

Thus stands the Case fairly Stated in Mr. *Hoadly*'s own Words. And it is as fairly Answered in the *Rehearsals*, Vol. 3. N. 9, 10. in the full as Mr. *Hoadly* puts it, *First*, as to the *Plainess* of the Case, *they Saw it with their Eyes*. *Secondly*, it affected the whole *Governed Body*. And *Thirdly*, Not in a small Matter, but as to their very *Lives*, to *Kill them All*. These were the Objections of *Dathan* and *Abiram* and the *Whole Congregation* against *Moses*, and the Case said to be thus *Plain*. But Mr. *Hoadly* has taken no Notice of this, nor of other *Instances* given in the said *Rehearsals*. He is Desired to take them into his serious Thoughts in his next *Edition*.

In the mean Time, if ther is no Difference betwixt *Private* and *Publick* Injuries in this Case: Nor any way to be sure of the *Ruin* of the *Publick*, till it is too Late; then all these *fine Words* of Mr. *Hoadly*, and the *Nice Cases* which he puts, are *Empty Sounds*, without any *Meaning*, and meer *Amusements*.

(1.) To what Purpose else does Mr. *Hoadly* here bring in a Case which never happened since the Beginning of the World, and is next to Impossible that ever it should happen? *viz.* That any *King*, or *Government* should Order the *Destruction* of the whole *Governed Body*.

(2.) If we stay till this utter *Ruin* is Compleated, it will be too Late to Prevent it. For no Man *Complains* after his *Throat* is *Cut*. Therefore we must watch the Beginning, the Steps and Tendencies towards this. Here is Room for all the *Fears* and *Jealousies* in the World, even to *Looks* and *Thoughts*.

(3.) The first *Attempts* must be made upon some *Particular Persons*, for a Nation cannot be *Destroyed* all at Once. And if we Suffer One to be Injured, it will be a Precedent for Another, and Another, to the End of the Chapter; till *Prescription* become a *Law*, and we have no *Remedy*. So that Mr. *Hoadly*'s Rule not to *Resist* for *Private* Injuries, will soon Involve the *Publick*. For every *Particular* is the *Whole*. And what is the *Publick* but all the *Privates*? And Mr. *Hoadly* has Tyed up every *Private* from *Resistance*, what then becomes of his *Publick*?

But this will appear Clearer, if we look upon it in *Fact*, as on a *Picture*. I will give but Two *Instances* still fresh in Memory.

mory. The first is that of *Ship-Money*, which began the *Rebellion* against King *Charles I.* All the *Judges* had given it under their Hands that it was *Legal*. Yet Mr. *Hamden* did not think so. And tho' he was a very *Rich* Man of Five or Six *Thousand* a Year, and his Proportion of that *Tax* came but to *Twenty Shillings*, he Spent Four or Five *Thousand Pounds* to Defend that *One Pound*. Not for Love of the *Money*, you may be sure, but for the *Consequences*! the *Consequences*! the *Tendency* of this! For at this Rate the *King* might take all the *Money* in the *Kingdom*. And was not he called a *Patriot* for this?

The other *Instance* is of the late *King James*. For the *Case* of *Sir Edward Hales*, Argued at the *King's Bench Bar*, was but a *Private Case*. And *Magdalen College* was a *Private Case*. And it was not for any thing he Did, (that might Easily have been Born, if that had been all) but the *Consequences* and the *Tendency*, to bring over all the *Nation* to *Popery*, *St. Jones's Grid-Irons*, and *Protestant Bridles*, these were of *Publick Concern* and *Notoreity*!

Nay, Mr. *Hoadly*, the very *Business* of *Tarquin* and *Lucretia* was but a *Private Case*. Yet you see how soon it became *Publick*. And since you have *Excluded Resistance* in any *Private Case*, I mean *Publick Resistance* and *Rebellion*, for a *Private*

uate Injury: You and I may soon Agree; for do but Muzzle up your *Resistance*, till the Government shall Decree the *Universal Ruin* and *Destruction* of the whole *Governed Body*; and I dare say it will be a great while before we shall fall out.

But then, on the other Hand, if you will not do this, but from *Consequences* and *Tendencies*, allow of *Publick Insurrections* for *Private Injuries*, and lest the *Case* should be my own; then to what Purpose was this Distinction of yours betwixt *Publick* and *Private*? Was it only to *Amuse* the poor *Populace*? Or have you *Deceived* your self in it? If so, I hope your *Ingenuity* will open your Eyes to see that ther is nothing *Practicable* towards *Resistance* in this *Scheme* you have set up, and that you had as good have *Damned Resistance* in all *Cases*, as have Allowed it that *Case* only which never yet was the *Case*, nor is ever *Likely*, I may say even *Possible*, to be the *Case*. So that your Distinction is only an *Ens Rationis*, which may be Disputed of in *Schools*, but can never be brought into Practice upon the Stage of the World.

(4.) Do you think, Mr. *Hoadly*, that ther ever was yet a *King* upon the Face of the Earth, who *Designed* the utter *Ruin* of all his *Subjects*? Can you believe this, notwithstanding the *Rant* that is said of

Caligula, of wishing all the *Romans* one Neck? Would he have Exchanged the *Roman Empire*, to be like *Almanzor*, King of Me? To what Purpose then was this *Case* put, of the utter *Ruin* of the whole *Governed Body*?

(5.) Suppose St. Paul had put this *Case* in the 13th to the *Romans*, and Barred all *Resistance* except in this single *Case* of the utter *Ruin* and *Destruction* of the whole *Governed Body*; not only *Designed*, but *Attempted*; And *Attempted* upon the *Whole* in *General*, and not only in the *Ruin* or *Oppression* of some *Particular Persons* or *Families*. Nay, suppose he had Allowed even the *Design* of this *Universal Ruin* to be a *Cause* of *Resistance*, yet would it not have Justified any *Resistance* that ever yet was made against any *Prince* or *Government*, or any that you your self think ever will be to the End of the World. How useless then has been all this great *Pains* that you have taken? Since it will Come to the same thing, as to *Practice*, whether *Absolute Non-resistance*, or *Resistance* so *Limited* as you have made it, be the Meaning of the *Text*. In *no Case* say *some*. In *no Case Possible* say *you*, but yet in *some Case*, for we may suppose a *Case*, *Possible*! *De lana Caprina* is the *Dispute*. And tho' it is *Possible* a *Goat* may bear *Wooll*, yet till we see such a *One*, it would not shew much

much *Wit* to Quarrel about the Spinning of it. And such is the Dispute about *Resisting* such a *King* as never yet was seen! And St. Paul's forbidding *Resistance* without any *Limitation*, is full as strong against *Resistance*, and far better Sense, than if he had put in your *Limitation* of *Universal Ruin*; which would seem to have some Meaning, but when looked into has nothing at all in it; And is such another Jest, as, *When the Sky falls, we shall catch Larks*, or as if the *Apostle* had said, you shall not *Resist*, till you see a *King* with Two *Heads*, or who can Swallow an *Ox* whole. And what is that to the Swallowing a whole *Nation*, to the Devouring the whole *Governed Body*! Can you think, Mr. *Holdly*, to Fright any but *Children* with this *Raw Head and Bloody Bones*!

(6.) But I will go further with you. I will give you leave to Pitch upon the most Terrible *Tyrant* ever was in the World, and Paint him out with all the *Flourishes* of your *Rhetorick*, and when you have done, I will Maintain, That he not only never did (nor cou'd) *Design* the *Ruin* of the whole *Governed Body*; but that the *Governed Body* received more Benefit and *Advantage* by Him than *Loss* or *Detriment*. For tho' he might do very Extravagant things Himself, yet he would not Suffer

others to do so. And such *Princes* have Generally kept their *Subjects* more Free and Secure from the *Ravage* and *Injustice* of one another, than *Milder* and more *Gracious Sovereigns*. Which has made Men of *Polemicks* and *Speculation* to think, That the *Severest Governours* are Best for the People. Because ther is no Proportion betwixt the *Evils* they may bear from the *Prince*, and the utter *Ruin* of being Exposed to the *Injustice* and *Violence* of each other, when the Reins of Government being Loosed, they fall into *Parties* and *Factions*, and have leave to Bite and Devour one another. And ther never was so little Regard to *Justice* in any *Tyrant*, as among *Contending Parties*, when one gets the Ascendent over the other.

The chief End of *Government* is to Defend the *Subjects* from the *Injuries* of one another. And if a *Tyrant* does not do Best in this, yet still he does so much Good, that he may truly be Called a *Terrour to Evil-doers*, tho' he may be an *Evil-doer* himself. And this I think an Easie and Proper Meaning of the Apostle's Words, That *Rulers*, even the *Worst* of them, as *Bad* as we may suppose those of his Time to be, are still a *Terrour to Evil-doers*, not only as to the Nature of their *Office*, but as to their *Administration* it self; not in every single *Instance*, but in

in the Main, as it Respects the whole Governed Body; and not only the *Christians*, who were then but a small Part of it; and tho' these were Persecuted for *Well-doing*, and the *Rulers* were a *Terreur* to them; yet upon the whole, and in Regard to the *Body* of the *Subjects*, these same *Rulers* were a *Terreur* to *Evil-doers*, and they who did *Well* in their several Stations had, generally Speaking, *Praise* of the same. And upon this Account such a *Ruler* might truly be Called the *Minister* of *God* for *Good* to the *People*. Of more *Good* than *Evil*, tho' he might Fail in many Particulars. Otherwise we can call no *Governours* in the *World* either *Good*, or *Bad*, that is, not *Good* in *Every thing*, nor *Bad* in *Every thing*. But if the *Good* out Weighs the *Bad*, even in the *Worst* *Governours* (as I think the *Cafe* is Plain) with Relation to the *Governed Body*: Then the *Worst* *Governours* are the *Ministers* of *God* for *Good*. And the Words of the *Apostle* are Verify'd, let the *Governours* be what they will; and Extend to all *Governours*, the *Worst* that ever were. In which Sense these *Rules* of the *Apostle* stand good to all *Ages*, and to all *Conditions* of *Government* whatsoever.

(7.) Here I must take Notice of a Main Argument of Mr. *Hoadly's*, which runs through this whole Proof of his, which is, That when a *Governour* does *Evil*, he *Acts* without a *Commission*, because *God* gives no *Man* a *Commission* to do *Evil*. I was the more suprized to find this over and over again Repeated here and Insisted upon, because it was the Chief thing upon which he laid the great Stress in his *Sermon*, and his *Measures of Submission* in Defence of it: And which therefore was very Particularly Considered in the *Best Answer*, Sect. xvi. Wherein it was shewed him, That the Undue Execution of a *Commission* supposes the *Commission*; for that a *Man* cannot Execute a *Commission* either *Duely* or *Unduely* who has no *Commission*: That to *Act* without any *Commission*, and to *Act Unjustly* in the *Execution* of a *Commission*, are very different things; in the first Case we are Punishable whether we *Act Justly* or not, in the other only if we *Act Unjustly*; And we are Answerable to *Him* alone, from whom we have the *Commission*. Of this several Instances are given to make it exceeding *Plain*. It is particularly Exemplify'd, p. 58. in the Case of *Pontius Pilate*, who had Power to *Crucify*; and Power to *Release*; and *Christ* owned that the Power which *Pilate* had *against Him*, that is, to *Crucify* *Him*, was Given to

to Pilate from *Above*. His *Commission* to Judge that Cause was from God, but his *Unjust Execution* of that *Commission*, in *Condemning* a Person he thought *Innocent*, no doubt would be required of him by God. But all this is passed over in Silence, not the least Notice taken of it by Mr. *Hoadly* in all his Book, wherein he Pretends to Answer this same *Best Answer*: But he Repeats his own Argument 40 times over, of God not giving *Commission* to do *Evil*, as if nothing had ever been said to it! I suppose he *Forgot* it, because that was so Great a Book, of whole 78 Pages. And I will not Repeat, but Refer him to more than the *Eighth Part* of that Book above Quoted, which he could not see, tho' it was particularly Marked in the *Contents*, not well to be missed, without a great Inclination to it. It is the whole *Sect. xvi.* from p. 50. to p. 64. which has thus Escaped Mr. *Hoadly*'s Observation. Else sure he wou'd not have Repeated his Argument so often again in this *Book*, when it was so largely *Answered* in that very *Book* which he undertakes to *Answer*! And yet he assures us in his *Preface*, p. v. That he has *left nothing untouched of all that He* (the Author of the *Rehearsal, &c.*) *layeth any Stress upon*.

(S.) Now, Sir, I lay Stress upon one thing. I desire therefore you wou'd not overlook

overlook it. And that is, That you have overstrain'd your *Bow* till you have broke it. You thought to secure the Doctrine of *Resistance* against all Objections, by Allowing it only in a Case so very *Extravagant*, that you thought no Man cou'd Defend it without Incurring the General *Abhorrence* and *Detestation* of *Mankind*, viz. Where the *Prince* design'd the utter *Ruin* of the whole *Governed Body*: Nay, your Argument carrys for *Non-Resistance* till he has Effected it, and ther is none left to *Resist*! Now when you have supposed such a Case, you have quite Alter'd the *Topick*, upon which all the Arguments for *Resistance* do Proceed; for this Case comes not under what we call *Mal-Administration*, which is always Alleged for the Cause of *Resistance*, but it is the Case of *Madness* and a *Personal Incapacity* in the *Governor*, as when he is in a *Fever*, or *Lunatick*, &c. For no *King* in his *Senses* can be supposed to Design his own *Ruin*, that is, to Destroy all his *Subjects*, for that wou'd Un-King himself, and he wou'd have none to Serve him. This Case of *Incapacity* in *Kings* is Resolv'd in the *Rehearsal*, Vol. i. N. 24. That during the *Incapacity* the next in Blood who is to succeed should take the *Administration*, but still in the Name of the *King* and by his *Authority*, as when a *King* is an *Infant*; whereby the

the Right and the Inheritance is Preserv'd, and Confusion avoided. This is Exemplify'd in the said Rehearsal by the Instances of Uzziah, whose Incapacity (of Leprosie) continued till his Death; and of Nebuchadnezzar, who Ran Mad, and was turned into a Beast, but was Restor'd to his Kingdom when his Reason returned to him. The Text says not Restor'd but Established in his Kingdom, for he was not Depos'd, the Right was still in him, and he was Restored only to the Administration, as soon as his Incapacity for it was Remov'd.

Now, Sir, to begin upon the Head of Mal-Administration, and Run that up till it comes to quite another Head, that of Personal Incapacity, is, Transire a Genere in Genus, a Fallacie of Sliding from one Kind to another, and so Confounding an Unwary Reader.

(9.) And this Mistake of yours, was not through Inadvertence, for in your Preface, p. v. vi. You bring in both Cases of Incapacity, and of Mal-Administration, and Confound and Blend them, and make them Both the Same. " Thus you " make Bigotry in Religion, and a Disposi- " tion bent upon Tyranny and Oppression to " be a Fever, of the Mind; and as great an " Incapacity as any Bodily Distemper. And " which doth as effectually destroy all Capa- " city to Rule a Nation, as a Total Distra- " ction

“tion could do. And that therefore this, “especially *Bigotry* in *Religion*, amounts “to a *Total Forfeiture of Authority*.” These, Sir, are your own Words. And you Insist more largely upon this in your *Book*, p. 118, 119. And infer that the *People* are to be *Judges* of the *Incapacity* of the *Prince*.

And now let me Reason with you *Calmly* and *Soberly* upon this *Scheme* you have Erected, as the true *Measure* of our *Submission* to our *Governors*? And first for *Bigotry* in *Religion* is it not so *Loose* and *General* a Notion, that it will be very Difficult to *Ascertain* it? May not every the least *Zeal* for *Religion* be Interpreted *Bigotry*, by those of a *Contrary Opinion*? Do you not think ther is something of *Bigotry* in those called *High-Church*, who Adhere so *Obstinately* to *Old Forms*, that they will give no *Allowance* to their *Dissenting Protestant Brethren*; Nay, who pass a severe *Censure* upon the *Reformed Churches abroad*, for their Want of *Liturgy* and *Episcopacy*, and even *Un-Church* them on *Account* of the *Latter*? Are not these *Bigots* in your *Opinion*? And on the other hand, may not they think you be *Bigotted* against *Bigotry*, *Bigotted* to *Moderation* and *Indifferency*? For even a *Loadicean* may be *Bigotted* in his way, and Men may be *Immoderately* for *Moderation*. Are not they so who

who stop at Noting, but wou'd give up even the *Faith*, rather then *Contend Earnestly* for it? By this Means we may All become *Bigots* to one another. Every Man does think so of another, who is *Tenacious* of any *Point* which he thinks to be *Indifferent*.

But had not the Primitive *Christians* Reason to think that the *Roman Emperours* were *Bigotted* to their *Idolatry*, when they put them to most Cruel *Deaths* for Informing them in the True *Religion*? And then, Sir, by the Rule you have here laid down, there was a *Total Forfeiture* of their *Authority*, and the *Christians* were *ipso Facto* Absolved from their *Allegiance*. See how you can make this Agree with the xiiith to the *Romans*? If St. Paul had known this, he would not surely have Pronounced it *Damnation to Resist* these *Emperours*!

Do not the *Presbyterians* and other *Dis-senters* think any *Episcopal King* or *Queen* to be *Bigotted*, especially if they shew any *Zeal* for the *Church of England*? Do not the *Papists* think Us *Bigotted*, as we think Them?

So that by this Rule, I see not how any *King* or *Queen* of *Britain* can Claim the *Allegiance* of All their *Subjects*, let them be of what *Religion* they will. Or that they have any other way to secure their *Go-*

Government, but by being of no Religion at all ; Or to let it sit very Loose about them, if they Profess any ; Else they cannot Escape being thought *Bigots* by one Party or other ; And by not a Few now among us, if they frequent the *Church* too often, or lay Stress upon their *Prayers*, or Worship God with *Decency* or *Devotion* ! But especially if they pay any Respect to the *Priesthood* ! They are then not only *Bigotted*, but *Priest-ridden* ! And this is made by these Men a greater *Incapacity* for *Government*, than any other *Bigotry* whatsoever. Again, others think ther cannot be a greater *Incapacity* for *Governing*, than for a *Prince* not to have a great Regard to *Religion*, because That ought to be the principal *Concern* of *Government* ; And is the first *Article* in the *Coronation Oath*, which Relates to the Support and Maintenance of the *Church*. So that let a *Prince* be *Loose*, or *Religious*, this *Rule* of Yours, Sir, will fix *Incapacity* upon him either way, according as Men are *Differently Inclin'd*.

(10.) And is not your other *Incapacitating Qualification* lyable to the same *Uncertainty*, that is, a *Disposition* bent upon *Tyranny* and *Oppression* ? You will not say, That any *Oppression* of private *Persons* will warrant *Resistance*, as being a *Forfeiture* of *Authority*. You have given up that Point before,

before, and owned that nothing less will do it, than a *total Subversion* of the *Constitution*, and *Destruction* of the whole *Governed Body*. But let me Ask you, Sir, Is not every *Injury* an *Oppression*? And does not *One Act*, or *Two*, *Three*, or *Four* of *Injury* or *Oppression* upon particular *Persons*, shew a *Disposition* or a *Bent* towards *Tyranny* and *Oppression*? And you have made this *Disposition* a *Fever* of the *Mind*, and as *Incapacitating* as any *Bodily Distemper*, a *Fever*, or *Plague*, *Lunacy*, or *Leprosy*! And every *Man* is *Judge* of this *Disposition* of *Mind* in a *King*, from any *Act* he does, and that it is a *total Forfeiture* of *Authority*! Now we see what your *total Subversion* comes to, even to a *Disposition* towards it: And this to be Gather'd by any one who thinks himself *Oppressed*, from any *Action*, *Word*, or even *Look* of the *King*! Thus *total Subversion* of the *Constitution* serves for *Argument*, but when you come to *Practice*, every the least *Oppression* is a *total Subversion*, and a *total Forfeiture* of the *King*! And every thing is *Oppression* that any *Man* thinks so, when it is his own *Cafe*! So that if the *King* hurts a *Hair* of my *Head*, or gives me a *Hard Word*, or but a *Sour Look*, or *Denies* me any thing I *Ask*, or *Delays* it, and if I please to think this any *Injury* to me; then this *Injury* is *Oppression*, and this *Op-*

pression is a total *Subversion* of the *Constitution*; which was Design'd to do *Justice* to every *Man*, and to *Reward* every *Man* according to his *Deserts*; and every *Man* is *Judge* of his own *Deserts*, and of any *Action* whereby the *King* has *totally Forfeited* his *Authority*! Which being the *Established Rule*, according to *Mr. Hoadly*, and the only *Foundation* upon which *Resistance* can stand (for be it *Observ'd* that *Mr. Hoadly* allows of *Resistance* against *Parliaments* as well as *Kings*, which puts the *last Resort* in the *People* against *Both*) consequently every *Man* is *Judge* when the *King* has *Forfeited*; and a *Judge* is not obliged to give any *Reason*; or, which is the same, he may say the *King* has an *Evil Disposition*, and tho' he has not *Tyrannized*, yet he *Doubts* not, *He Wou'd* if he *Cou'd*! And it is as *Easy* a *thing* to *Judge* of a *Disposition*, as to find a *Stone* to throw at a *Dog*.

It is in vain for *Mr. Hoadly* to say, That in such *Cases* *Men* should *Judge* according to *Reason*. For who is *Judge* of *Reason*? And wou'd he make *Himself* *Judge* of the *Reason* of all the *Free-Born Britains*, that they must not *Rebel* till *He* gives the *Word*! This is *Tyranny* in the *Abstract*. The very *Tyranny* of *Rome*, that *Men* must not *Think* but as the *Pope* *pleases*! Does not this Discover a *Disposition* bent upon *Tyranny* and *Oppression*? And what *Oppression*

on so Great as upon Mens Consciences and their *Reason*? Therefore, Mr. Hoadly, you must be *Deposèd*, for taking upon you to Write *Measures of Submission*, to *Stint* or *Limit* the *Causes* when Men ought to *Rebel*! It is their *Birth-right*, and every Man is *Judge* of it for Himself! Some think ther was sufficient *Reason* to *Rebel*; Others think ther was not. They are *Both* in the *Right*! For each *Judges* according to his own *Reason*. And for you to *Judge* either of them, and Hunt the *Government* upon them, is to set up your self *Judge* over them All! To Destroy the very *Principle* you wou'd Maintain, the *Freedom* of Mens *Judgments*, which you *Invaðe* while you *Blame* any, or wou'd *Expose* them to *Punishment*.

Now, *Think*, Mr. Hoadly. Does not this Destroy all *Government* out of the World? Can ther be any *Government* where ther is not a *Judge*, a *last Resort*, as to all *Matters* of *Government*? But you Allow of no *last Resort* betwixt *Prince* and *People*, of no *Judge* when the *King* has a *Disposition* to *Tyranny*, and so has *totally Forfeited* his *Right* to the *Crown*, but you have left every *Man* to *Judge* of that as he *Pleases*. And is not this a *total Dissolution* of all *Government*? And Releasing Men from all *Obligation* (at least in *Conscience*) to any *King* or *Government* whatsoever? For I still

mind you, That you *Limit* not your self to the *Forfeiture* of *Kingly Government* only, but you *Extend Resistance* to *Parliaments* too, or any Sort of *Government*, whether in the Hands of *One* or *More*. And you make an *Evil Disposition* to be a *total Forfeiture* in *Them*, as well as in a *King*; and every *Man* to be *Judge* over *Them*, as well as over *Him*. So that here is a fair Riddance at once of all *Government* of what Sort soever that can be *Devised* among *Mankind*, while ther is a *Power* lodged in the *Breast* of every *One* of the *Subjects*, which is *Superiour* and *Paramount* to that which is *Lodged* in the *whole Government*, to *Judge* of their *Governour* or *Governours*, and of their *Disposition*, to take *Arms* against them, and *Depose* them, whenever *Tom*, *Dick*, or *Will*, shall so think fit !

(11.) The *Rehearsal* took a great deal of Pains with you, upon this Head, to shew the Necessity of a *Judge* and *last Resort* in *Government*: And that *Pretences* will never be wanting, and these said to be the most *Plain* and *Evident* of any thing in the *World*. Pray, Read *Rehears.* N. 9, 10. of the 3d *Vol.* But his *Labour* is *Lost* upon you, for you take no *Notice* of this, nor give any *Answer* to it in all your *Book*, only you *Assert* and *Re-Assert* your own *Principle* of *Every Man* being *Judge*, without

out Regarding the Evident and Necessary Consequences that Attend it, and are inseperable from it.

And to Obviate the Fallacy of that Question, who shall be Judge? When Apply'd to Matters of Opinion or Belief, he began that 3d Vol. upon this Subject, and shewed in the first Six Papers, how much out of Purpose this Question is Asked by the Disputants for the Church of Rome, of a Judge in Matters of Faith.

But then he proceeded to shew the Absolute Necessity of it in Matters of Government, and that no Decision can Possibly be made in Disputes of *Meum* and *Tuum*, and the Regulation of Civil Affairs, in a Family, or Army, or Nation, without a Settled Judge, in whom must be the *last Resort* as to all Differences of this Nature; and who shall Determine by his Authority; which only can Determine, and not Law, or Justice, or Reason. As shewed in the Rehears. Vol. 3. N. 28. All which you have slipped over, as not Worth your Notice, or for some other Reason!

(12.) You have likewise wholly Neglected the Proofs he brought from the Laws of the Land against Resistance. See the *Acts of Parliament* upon this Head, set down in the Rehears. Vol 2. N. 44. But you did Wisely, for if you had Meddled with this Matter, you had but One of

Two to Pitch upon ; either to have told the World, That the Doctrine of *Resistance* which you Maintained was in Direct Opposition to all the *Laws* of *England*, and made *Treason* by Them ; which would not have done well by any Means ! Or else to have said, That ther was an Imply'd *Reserve* for *Resistance* in all those *Laws*, tho' you cou'd not shew it ; Nay, tho' they expressly Declared against any such *Reserve*, and Barr'd any *Exception* or *Pretence* whatsoever !

Some Object, That that *Clause* in the *Act of Uniformity*, of its not being *Lawful to take Arms, &c.* upon any *Pretence* whatsoever, is *Repealed* in the *Statute 1 Will. and Mary*, enjoining the *New Oaths*. *Ans.* 1. It is not *Repealed*, only the *Subscription* to it taken away, notwithstanding which, it is still *Law* as much as Ever. *Ans.* 2. Other *Laws* Declare the same, as the *Statute 12. Car. 2. c. 30.* Which says, That it is the *Fundamental Law* of this *Kingdom*, and ever *Hath been* so, that no *Resistance* or *Coercion* is to be used against the *Prince*, either by *Parliament* or *People*, or any other *Persons* whatsoever. And *13. Car 2. c. 6.* All even *Defensive War* against the *King* is Declared to be *Unlawful* ; and the *Power* of the *Sword* is Recognized to be Wholly and Solely in the *King*. These *Laws* are too Express for you to find any

ny Reserve in them, without making them Contradictory, and even Nonsense! No Lawyer will say, That a Reserve is to be supposed against the plain Letter of the Law. Else all our Laws might be overturn'd at Pleasure! And if we must not Distinguish, where the Law does not Distinguish, if this be a settled Maxim in our Law; Then surely we cannot Except where the Law does not Except, else every Man might Except Himself! And a Reserve is nothing else but an Exception, of such a Case or Person. Whoever has Power to make Reserves in Laws, has the whole Legislative in his own Hands, and may make our Laws speak what He pleases. And if we will not Allow such an Authority in the King, what is that Subject dares Pretend to it! But in vain do these Men Fancy Reserves; for a Reserve is nothing, where ther is not Coercion to Inforce it; without this, all our Laws wou'd be Blanks, what signifies a Law, where ther is no Authority to put it in Execution? But the Law allows of no Authority Superior to the King; and Barrs all Coercion upon him; therefore the Law Barrs all Reserves. Again, Ther must be some Pretence for Starting up any secret Reserve for Resistance: But the Law Barrs any Pretence whatsoever for Resistance: Therefore the Law Barrs all Reserves for it. Once more, Mr. Hoadly, and to have done — The

Law makes it *Treason* to *Imagine the Death* of the *King*, or to take *Arms* against *Him*: But to set up *Reserves* where we may take *Arms* against *Him*, is some sort of *Imagining*: Ergo — And have a Care you Deal not with your *Doctrine* of *Reserves*, as with your *Doctrine* of *total Subversion*, to *Imply* it upon the least supposed *Injury* done to your self, or to any body else; Nay, upon your *Fancy* of a *Disposition* in the *King* (or *Queen*) towards it! You see the *Doctrine* of *Reserves* has a *Long Tail* — And if it be not *Kept out* upon *any Pretence* *whatsoever*, it will *Come in* upon *any Pretence* *whatsoever*! It is *Time* for the *Queen* to look after such *Managers* of the *Prerogative* of the *Crown* she *Wears*! Such *Reserves* (if that *Doctrine* prevails) will soon make it a *Crown of Thorns* to her! For it puts both her *Crown* and *Life* too at the *Mercy* of every *Hoadly* in the *Nation*! They *Own* it, they *Profess* it, they *Justify* it, they *Glory* in it, That she *Holds* them by no other *Tenure*: And to *Compleat* their *Modesty*, and their *Opinion* of her *Majesty's Penetration*, they *Argue* to her *Face* that they are her *Best Subjects*, and ought most to be *Trusted* by her, and that she should put her self wholly into *Their hands*; for this very *Reason*, because they are for the *Deposing Doctrine*, are her *Masters*, and that as she has no *Right* but from

from *Them*, so she must *Resign* it whenever *They* please to Call for it, and for her *Life* together, if *They* think it *Convenient* for any further *Project* they may have in *View*!

(13.) And here we may Judge concerning the several *Parties* amongst us, which of them are most sincerely for the *Queen's* Service, and in whose Hands she is most Secure? *Principles* are a good *Rule* to Judge by, for Men always follow their *Principles*; except in one only *Cafe*, that is, when they Interfere with their *Interest*; and then, with the Generality of the World, *Interest* gets the Better. *Principles* may be *Overborne*, and *Professions* may be *Hypocritical*, but *Interest* will not *Lie*. Therefore *Interest* is the most secure *Rule* to Judge by among us at this Time. Let us see then, let the *Queen* Consider, whose *Interest* is it to have *Her* out of the *Way*? Whom wou'd it put *Nearer* to their *Hopes*, and whom wou'd it put *Further off*? Who then will *Pray* most Heartily for her *Life*, and Endeavour to *Preserve* it, They who *Gain* or *Lose* by it, according as they have Laid their *Interest*? Wou'd not *They* wish *Her* to *Live*, whose *Death* wou'd Ruin all their *Expectations*, at least make them far more *Desperate*? Or wou'd *They* be most *Griev'd* at her *Death*, whom it wou'd put in Immediate *Possession* of their long Formed *Designs*?

Designs? The Nearest Danger is the Greatest. And who are they that are Nearest to the Accomplishment of their *Designs?* Look to their *Working!*

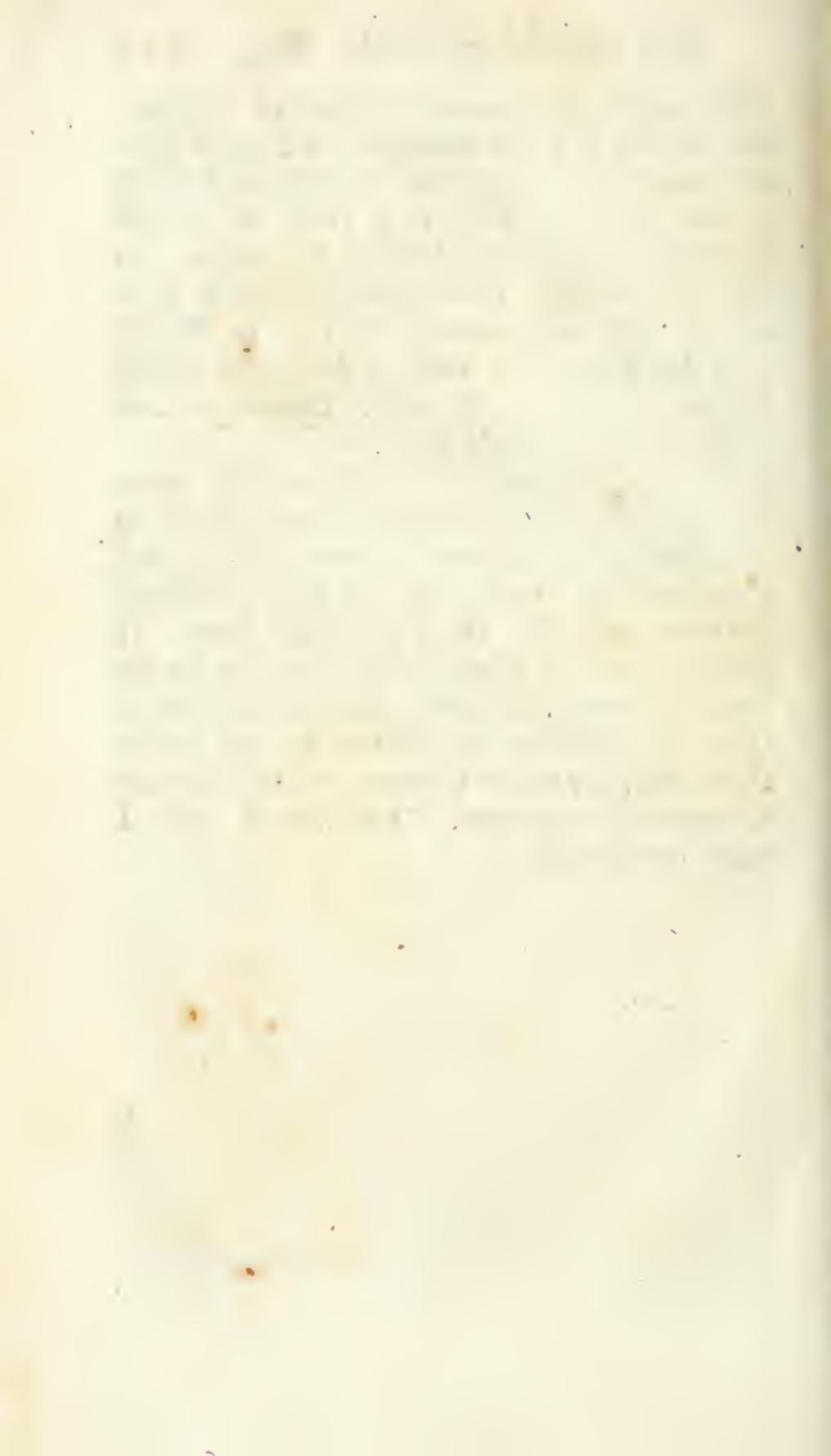
It does not seem the greatest *Comple-
ment* to the *Queen* to be always minding
her of the *Succession*, to be Ringing her
Death Peal in her Ears from Morning to
Night — People do not Delight to Speak
much of what is a *Grief* to them to *Hear*.
If to *Imagine* the *Queen's Death* be *Treason*,
what is it to be always *Talking* of it? It is
Setting a *Death's Head* upon the Table be-
fore her. This is not the Old, *O King live
for ever.* Queen *Elizabeth*, though *Old*, did
not Care to be told of her *Successor*. Nor
thought them her Best *Friends* who made
most Stir about it. It would not have
passed for *Court-Language* at that Time.

We have now seen all the Objections
against the *Patriarchal Scheme*. And the
Testimony of the most Learned of the
Heathen to the Supreme *Paternal Autho-
riety*, even as to *Life* and *Death*. And
that this was the *Original of Government*
among *Mankind*, and perfectly *Monarchical*.
They wanted only the History of *Adam*,
and the first *Erection of Government* given
by *God* to him, to have Spoken all that
I have said of the *Patriarchical Scheme*.

But ther is one thing I have not yet
done, which is to give a *Description* of that
Imaginary

Imaginary Independent State of Nature which our *Whiggs* suppose, to Found Government upon the Free and Equal Vote of all the *People*. This is a *Farce* in it self. And ther are other Modern *Schemesters* no less *Ridiculous*. One especially has Provoked my *Indignation*, who is so Proud that he knows it not, and Boasts of his *Temper*, while he is most *Insulting*. For what *Cause* we shall see —

And having been so long wholly upon the *Serious*, it may not be Unacceptable to the Reader to *Unbend* the *Bow* a little, and after having *Argued*, to *Act* these *Schemes*, that we may see their Natural *Faces*. It adds too much Weight to them, to be always *Grave* upon them. People may think ther is *Something* in them! It will make them Appear more Clearly, when they are Compared together. To which *Sight* I now Invite you.



A
BATTLE ROYAL
BETWEEN
Three COCKS
OF THE
G A M E.

Mr. { { HIGDEN,
HOADLY,
HOTTENTOTE.

Asto the State of Nature and of Government.

By a MAN OF LEASURE

PROLOGUE.

THE Rehearsal shews an *Eclips*, in the
Sun, Moon, and Earth Dancing the Hay.

The like Representation of Government you will see in this *Battle-Dance*. The *Sun* resembles *God the Fountain of Power*,
as

as of *Light*: This *Power* is Reflected from *Him* upon the *Moon* and *Stars*, the *Governours* whom *He* has Appointed under *Him*: But when the *Titans*, the *Sons* of the *Earth*, Interpose the *Power* of the *People*, they Intercept the *Rays* of the *Sun*, and there is an *Eclips* of *Government*.

This *Prerogative* of the *Sun* Mr. *Hoadly* calls the *Patriarchal Scheme* Set up by the *Rehearsal*: But the *Rehearsal* places the *Original of Government* in the *Positive Institution* of *God*, though at the same time he shews it to be *Consequential* and most *Agreeable* to the *Frame* of our *Nature*, as being all Deduced from one *Common Father*: Which *Patriarchal* or *Fatherly Authority* is not only Founded in *Nature*, but most *Expressly* and *Originally* in the first *Institution of Government* Placed by *God* in *Adam*:

Now Dr. *Higden* in the *Defence* of his *View of the English Constitution* Ridicules this *Patriarchal Scheme*, as well as the *Men of Leisure* who set it up. And says in his *Preface*, p. 4. “ That *Laws* are “ Rules given by the Supreme Authority Obliging the Subjects to Regulate their Actions by them, in Order to the Publick Peace and Tranquillity of the Realm; without any Regard to the Patriarchal or Popular Scheme.”

That

That is to say, the *English Constitution* has no Regard either to the *Institution of God*, or the *Election of the People*! But whatever *Government* we find over us, to *Submit* and *Obey* for the *Publick Peace* and *Tranquileity*.

But he Dares not stand by this, for in the Case of *Oliver* he Requires us to look back and Examin by what Means the *Supreme Authority* came by their *Power*; and if we find it not to be *Justly* and *Legally* Established, he Absolves us from all *Obedience* to it. This throws his *de Facto* down to the Ground, and makes every Man a *Judge* over the *Government*.

These things have been *Seriously* and *Calmly* Debated by *Men of Leisure* (though the *Doctor* is not yet over-Burdened with *Business*, but is not in *Haste*) And the *Answers* made to them have studiously Avo-ded the *Stress* of the *Cause*, and sought to Divert the Readers with *Circumstantial*s of no *Consequence*, and long *Stories* nothing to the Purpose.

For which Reason I have here brought the Matter to be *Acted* as upon the *Stage*, that Men may *See* it, as well as *Hear* it. And let not the *Gravities* of the *Actors* be Offended, for I have done them no Injury in the *Argument*, nor put any *Affront* upon them, unless it be to Introduce them into one anothers Company.

The

The *Hottentote* argues against all *Government* whatsoever, for the *Natural State* wherein some suppose them to be. But I grant this *Image* is not *Perfect*, because they are allowed to have *Fathers* and *Mothers*, which is utterly *Inconsistent* with that *Independent State of Nature*, which is necessary to make the *Choice* of the *People* the *Original of Government*. For *Fathers* with full and absolute *Authority* over their *Families*, are in every Respect *Civil Governments*. And several of these *Uniting* together to make one *Family* or *Government*, (which some would have to be the *Original*) can no more make such an *Union* the *Original of Government*, than the *Union* of *England* and *Scotland* shews that ther was no *Government* in either of them before; or in the *Heptarchy of England*, because they are now all Reduced to one *Monarchy*. For *Magis & Minus non variant Speciem*. A *Family* is a little *Kingdom*, and a *Kingdom* is nothing but a Great *Family*.

Therefore such a *State of Mankind* where All are upon the *Level*, and the *Consent* of every *Individual* made necessary to the *Erection of Government*, as *Lock* and others suppose it, because that every *Man* is *Free-Born*, and that no *Man's Life, Liberty, or Property* can be *Disposed of* but by his own *Consent*, I say, such a *State* cannot be called the *State of Nature*, because *Nature* implies

plies Fathers and Mothers; it may be called a State of Mankind, but not of such Men as we are, but of a Shower of Men Rained down from the Clouds, or New Created in Multitudes, like the Beasts, Fish, and Fowle at the Beginning, and no one Dependent upon the other. So that even the Hottentote cannot Represent this State, which yet is necessary to make the People the Original of Government!

And when Men will not be Argued out of such Extravagancies, but Maintain them with a Grave Face, and an Air of Persuasion, nay even of Insulting; what is to be done but to shew them in their Colours, to set a Looking-Glass before them, that they may see their Shapes!

The Curtain Draws, And shews the Triumvirat standing Triangular.

(1.) *Hottentote.* Come, Gentlemen, let us to Work — I have no Art nor *Flourishes*. I begin with you, Mr. Hoadly, because you are my Old Acquaintance. You and I had once a Discourse about the *Original of Government..* You place it in the *People*: Against which I have four things to say.

1. That I suppose the *People* would never have Thought of it, but Lived on in their *Natural State*, like the *Beasts*, *Fish*, and

and *Fowle*. For how should they know any other than their *Natural State*? *Nature* teaches Nothing beyond *Nature*.

2. A free and equal *Vote* of the *People* could never have been Collected in the *Natural State*.

3. Suppose it Collected, why should the *Major Vote* Conclude the *Rest*? Some might Prefer the *Natural State*, and desire no *Government* at all. And others might Differ about the *Modelling* of it, some for *Monarchy*, some for *Commonwealth*, &c. as we see it now among you. And if the one side be *Forced* by the other, then *Force* and not *Consent* is the *Original* of *Government*.

4. Every *Man* may withdraw his *Consent*, when he finds it *Prejudicial* to him. This is the certain *Privilege* of *Nature*. May not a *Man* Change his *Opinion*? Otherwise he has not the free *Use* of his *Reason*. And to Debar him from this, is to *Divest* him of the very *Nature* of *Man*. And why would you Alter my *Opinion* now, if I have not a *Right* to Alter it, upon better *Information*?

(2.) *Hoad*. But it is not *Justice* to Alter it, when it is for the *Good* of *Others*; as upon Entering into *Society*.

Hott. My own *Good* is to take Place of the *Good* of *Others*. This is *Self-Preservation*,

tion, which you make the Foundation of all Society.

Hoadly. It is really for Your own Good to —

Hott. What! To be Hanged, if the Society so think fit!

(3.) Hoad. Consider the many Benefits of Society, it is this Secures all you have; your Liberty, your Property, and your Life too; which otherwise wou'd lye Open to the Invasion of every Body, if they might do it without Punishment.

Hott. That is, I must let you Hang me Quietly and Soberly, for fear another Man should Kill me, for whom I am an equal Match, and may Defend my self from him! And to avoid the Danger of this; I must Create an over-Match for my self, and Enter into Society, which is too Powerful for me, and may Hang me up at their Pleasure!

Hoad. But Society will not do this. They have Laws to go by. And they cannot Hang you Unjustly, without making a Precedent for Themselves, that every Man may be Hang'd by the same Rule.

Hott. And how well they Observe this! This is a Remote Prospect, and will not Fright them so much; nor Defend me so well, as my Sword in my Hand against any that Assaults me.

And what are your *Laws*? They are a
meer *Tool* to serve Men in *Power* to Crush
all others. It is not what you have *Said*
or *Done*, but what *Party* you are of, or
Suspected to be! Whence it is a *Proverb*
among you, shew me the *Man*, and I will
shew you the *Law*. And it is better for
One *Man* to *Steal* a *Horse*, than Another
to *Look* over the *Hedge*. Have I not heard
you say, He ought to be *Prosecuted*, he
shou'd be made an *Example*! Why? What
Evil hath he done? What has he *Said*,
that others have not said, and *ten Times*
as much? No Matter for that — They
are our *Friends*, they may say what they
will: But He is a *Rogue*, we know what
he *Means*! And by the Help of *Innuendo's*,
and *Ironice*, we can make *Treason* of every
thing he says, tho' it be for the *Govern-
ment*!

Does not your *Law* turn with every
Blast of *Wind*? Here are *Two* Fighting for
the *Crown*, the *Law* Stands by, and Waites
the *Success*; and will *Hang* those that are
Beaten, and Recognize the *Conquerour*: And
if the other *Conquer* him again, then the
Law turns to his Side again, and calls him
an *Usurper*, whom it own'd as the Right-
ful *King* before; And will *Hang* those that
Fought for him, as it did those who before
Fought against him!

(4.) *Higden.* And all this is Right, for the *Law* knows no *King* but Him in *Possession*. Without this, ther can never be any End of *Disputes*. Therefore the *Right* goes always along with the *Possession*.

Hott. Is it not Easier to say, Ther is no *Right* at all? or does a Man Lose his *Right*, because he is *Robbed* against all *Law* and *Justice*? Thus in our *Country*, where we have no *Laws* or *Government*, if one Man Snatches a *Gutt* from another, it is his own, as long as he can keep it. And we trouble not our selves about *Laws* or *Right*. These are only *Words* to *Embroil* the Matter, and make *Disputes* *Endless*, and *Create* *New Disturbances*. And after all, it comes to the same as with us, that *Possession* does the *Whole*; let it *Change* as oft as it will.

Hoad. Indeed, Mr. *Higden*, you have given great Advantage to the *Hottentote* by your *New Scheme*. For to say, That meer *Possession* gives *Right*, is the same as to say, Ther is no *Right* at all. We *Whiggs* are greatly Offended at this, and the *Tories* are not Pleas'd. It serves no Purposes on either Side, and is only an Encouragement to *Robbery* and *Injustice*.

Hig. And how does your State of *Nature* Mend the Matter? To build all *Government* upon what *Nature* dictates, to make this the *Original* and *last Resort* of

Government. This is Coming directly into the Mouth of the *Hottentotes*. There we see *Nature* in its Primitive Simplicity. And thence we must Learn what are the *Laws of Nature*, and what it wou'd Dictate as to *Government*; being left to its self, without all that *Fucus* and *Disguise* which the Politer Nations have put upon it: Who yet cannot Agree what these *Laws of Nature* are, especially as to *Government*. Therefore I am perfectly of Opinion, That ther must be some **DIVINE** Original for it, and not left meerly to *Nature*.

Hott. This makes the Matter Harder against you, Mr. *Higden*. For to say that *Government* is the *Institution of God*, and yet gives no *Right*, or none but what is *Extinguished* by any *Robbery* or *Usurpation*, is to make very little of *Divine Right*; and to Subject it even to *Nature*: For *Nature* gives a Man a *Right* to *Recover* what is taken from him by *Force* or *Fraud*. And the Instances out of your own *Scriptures* seem to make Directly against you. For *David* Recover'd his *Possession*, and *Joash* his *Inheritance*, against those who were *Unjustly* in *Possession*; And none could be *Unjustly* in *Possession*, if *Possession* gives *Right*: And *David* and *Joash* were both *Rebels* and *Traytors*, by your Rule, because they Fought against those in *Possession*! But if they had not had *Success*, the *Law* wou'd have

have Attainted them Both. And so the Matter is Solved!

Hoad. Take up your *Divine Right*, Mr. *Higden*, and your *Right of Possession*!

(5.) *Hott.* And you both, Gentlemen, take up your *Laws* and *Constitution*! They serve for nothing but *Dispute*, and to shew your *Learning*; for in *Practice* they all Come to the same with us *Hottentotes* — *Quod libet, licet* — That we may *Justly* do, whatever we have *Power* to do — To keep what we have *Got*, and to *Get* what we can. Only you have this Advantage of us, That you *Robb* in *Justice*, and Establish *Iniquity* by *Law*; And (because you must have in *Religion* too) you *Father* all this upon *God*, and call it his *Cause*; which you are sure of by His giving it *Success* (yet you Allow it not for a good *Argument*, when it goes against you) And to make it fully *Right*, you *Swear* to go on with it, and *Pray* to *God* to *Prosper* you in the *Breach* of His *Commandments*! For both Sides *Pray* thus, and Both cannot be *Right*. This is the *Privilege* of you *Christians*! But we *Hottentotes* can *Sin* at a much *Cheaper* rate. We *Affront* not *God*, nor *Banter* Him in our *Disputes*. If we *Robb*, *Kill*, or *Steal*, we carry it no farther than our selves, we

Charge it not upon God, or any Body else.

And if any thinks himself *Wrong'd*, he has a nearer *Remedy* than your *Laws*. He Rights himself if he can, or else he sits down by the *Loss*. Which many wish they had done, who have *Ruin'd* themselves by *Law*. Your *Law* is a certain *Injury*; because let my *Cause* be never so *Just*, I am put to *Charge* to Prosecute it. And that is a *Punishment*, it is a *Fine* upon me. And what is that *Law* which *Punishes* a *Man* before it *Appears* that he is *Guilty*? I am sure to be *Punished*, but I am not sure to be *Redressed*. For after all my *Expence* and *Loss* of *Time*, and *Harassing* my very *Heart* out in *Attendance*, it is a *meer Lottery* how the *Cause* will go. How many *false Judgments* are ther, and *Judgments* that are *Reversed*? *False Witnesses*, *Corrupt Juries* not to say *Judges*, the *Tricks* and *Quillets* of *Lawyers*, &c. So that a *Man* had better throw *Dice* for it at first. The *Law* is the *Box*, both *Gamesters* put in there; and if they Play long, it gets All. It is from these *Fools* that the *Lawyers* Raise such vast *Estates*, and live in the greatest *Palaces* in *London*. But ther is not such a *Fool* in all *Hottentote-Land*, nor can be by our *Constitution*.

(6.) But

(6.) But pray tell me, Mr. *Higden*, do you allow, That *Possession* gives *Right* in *Meum* and *Teum*, among *Private Persons*, as it does to *Crowns*?

Hig. No surely. That wou'd make as wild *Confusion* as among you *Hottentotes*.

Hott. What is the Reason of this Difference? Has the *Crown* then no *Right* at all? Or, has every body in the Nation a *Right* to *Recover* what is *Unjustly* taken from him, except the *King* only? If so, your *King* is in a worse Condition than the meanest of his *Subjects*.

Hig. The Reason of the Difference is this, That every *Subject* has the *Law* for his *Remedy*. But the *King* has the *Supreme Power*, and is *Sovereign*, and therefore *Above the Law*, and cannot be *Tryed* by it. And consequently, he cannot *Recover* his *Right* by it. Besides, the *Law* is against him whenever he loses the *Possession*, for the *Possessour* always has the *Command* of the *Law*; and therefore the *Law* must *Extinguish* the *Right* of the *Dispossessed*, upon *Pain of Treason*; or else it is *Guilty of Treason* against the *Possessor*.

Hott. I shall never get my *Hottentots* to Understand this. The *King* is *Above the Law*, therefore *Subject* to the *Law*! He holds by a *Tenure* *Immediately* from *God*, therefore the *Law* can *Extinguish* his *Tenure*!

nure! He is the only Fountain whence all the Right in the Subjects is Derived, and yet he has no Right himself! He Repossesses others who are unjustly Dispossessed, but he ought not to be Repossessed himself! Again, The Law is a Captive to the Conquerour, yet the Conquerour is Established by the Law! So that the Law is Above the King, and the King above the Law — Which is Uppermost! I will carry this to the Hottentotes. They too Play at Riddle me — — — Riddle me — — —

(7.) *Hoad.* You have Deserv'd this, Brother *Higden*. This is the End of your *Jure Divino* and *Passive-Obedience*! If you wou'd let the King be made by the Law, and *Deposable* by the Law, as we Honest Whiggs Maintain, you wou'd not have fallen under this *Dilemma*. And your bare *Possession* giving *Right*, Involves you Deeper and Deeper!

(8.) *Hott.* Gentlemen, agree among your selves — — But you, Mr. *Hoadly*, I have a Question to Ask you. You say, the Law made the King. Pray, who made that Law? Can a Law be made without the King? If not, then the King must be Before the Law. And if you go to the Beginning of *Government* in the World, then you must shew me a Law, before ther

ther was any *King* in the World. And you must tell me, Who made that *Law*, and by what *Authority*.

Hig. Answer you that, Brother *Hoadly*. You are as Deep in the *Mud*, as I am in the *Mire*! For what can be Greater than to Pawn ones *Soul* for the *Truth* of what he *says*, or *Promises*? Therefore we make our *Kings* take a *Coronation-Oath* to observe our *Pacta Conventa*.

Hott. And you are just as *Secure* by that, as He is for your *Oaths* of *Allegiance*! You have hidden *Distinctions* and *Reserves* in them! And you can *Transfer* your *Allegiance* to his *Enemy*, and yet be still true to your *Allegiance*; it is but *Changing the Object*! As a Man may *Marry* another *Wife*, and still keep true to *Matrimony*, for it is but *Changing the Object*! Had not you as good come to our *Fashion*, to have no *Oaths* at all, but *Deal* with others, as they *Deal* with you? This wou'd be more like *Gentlemen*, and *Honest Men*. You take a Man's *Oath*, because you will not *Trust* his *Word*. And I am sure I wou'd not *Trust* that Man's *Oath*, whose *Word* I cou'd not take. For I must think him a *Knave*. And no *Oaths* will *Tye* such a One. So that you make a *Net* to let through the Great *Flies* that can *Hurt* you, and catch only a few *Honest*, *Scrupulous Folks*, who will not *take* an *Oath*, because they think themselves obliged

obliged to *Keep* it. How can a Man *Keep* contrary *Oaths*, which happen in all *Revolutions*? Then come out your secret *Reserves* and *Distinctions* (which wou'd have been *Treason* before) and make you a *Jest* to the *Hottentotes*! Can you Name one of your *National Oaths*, that have not been as *Nationally Broken*? Yet you go on still in the same *Track*!

Let me ask you Both, *Gentlemen*, suppose you should make use of the like *Distinctions* and secret *Reserves* in your *Promises* and *Engagements* betwixt Man and Man, as in *Trade*, suppose with us *Hottentotes*; What *Opinion*, do you think, We shou'd have of your *Justice* and *Honesty*? Wou'd any Mortal have *Dealings* with you, or Believe one *Word* you said? But if you have more Regard to your *Honour* in *Trade* *Abroad*, than to your *Oaths* at *Home*; What *Notion*, think you, will this give us of your *Religion*?

Hig. { We cannot Deny but these *Hoad.* { *Oaths* have given Great *Scandal*. And we Both wish with all our Hearts they had never been Imposed. They are a *Load* upon Us, though We *Bear* it *Willingly* and *Freely* — Yet we wou'd be Glad to get Rid of it, for who wou'd not be *Eased* of a *Burden*? And we cannot say, but it is some *Trouble* to Us to *Defend* them!

(9.) *Hott.* Now Consider that all this comes upon you from that thing called *Government*. If you had none, you cou'd have no *Revolutions*, nor any of these *Convulsions of State*, which *Confound* and *Distraict* you; make you Draw your *Swords*, and Sheath them in one anothers *Bowels*, and that for *Years* and sometimes *Ages* together, before things can be settled, and Return to their old Condition, whiich you call *Constitution*:

Hig. § But even all this is Better than *Hoad.* no *Government* at all. For then every one would be left free to *Destroy* and *Kill* one another to the End of the World, and we should not have one Hour of *Quiet* or *Security*.

Hott. Left free —— Yes, why shou'd not every one be left *Free*? Do not you love *Freedom*? Are you not *Fighting* for it? How many thousand *Lives* has it cost you to Defend your *Freedom*? Are you not *Free-Born English Men*? And what is *Freedom*, but to do every thing I please? If I am *Restrain'd* in any thing, my *Freedom* is taken from me. And then I must not do what I please, but what You please. This you call *Government*: But it is a perfect *Contradiction* to the *Law of Nature*, which sets every Man upon the Level. *Subjection* and *Freedom* are as *Opposite* as *East* and *West*. Where the *One* is,

the

the Other cannot be. Yet you say, you are *Free Subjects* — *Free and yet Subject!* *Senseless, and Silly!* Never talk of a *Hottentote's* Understanding any more.

(10.) *Hoad.* By *Liberty* we do not mean a *Lawless Licentiousness*, to do what we Please: But a *Liberty* under wholesome *Laws* for our *Good*.

Hott. Ay! There's a Fellow going to be *Hanged* for his *Good*! His *Hands* are *Tyed* behind him, and he has a *Rope* about his *Neck*, yet he is perfectly *Free*! Do not think to *Banter* us *Hottentotes* at this *Simple Rate*! You are the *Hottentotes*, the *Mad*, the *Foolish* Fellows you call us!

Hoad. Hold! You Run too fast, Sir. We are *Free*, because the *Government* cannot *Hang* us for what they Please; but they are Bounded by *Law*, and we must have a fair *Tryal*, and by our *Peers* too.

Hott. So you are *Free*, because you are *Hanged* by a *Jury*! But what think you of an *Act* of *Attainder*, which can *Hang* you up without any *Tryal*, or giving you any *Reason* for it?

Hoad. This is part of our *Constitution*, that the *Parliament* should have such a *Power*, in *Extraordinary Cases*.

Hott. Yet you are *Free*! And these *Cases* happen as oft as the *Parliament* pleases! They are not *Tyed* to any *Rule*, but may make

make use of this Power, whenever it comes into their Heads.

Hoad. Well, but the *King* cannot *Hang* us at his Pleasure.

Hott. That is, You are not at the *Mercy* of *one* *Man*, but of *five hundred*! O! *Delicate Freedom*!

(11.) *Hig.* You Run your self a Ground, *Mr. Hoadly*, with your *Whigg* and *Republican* *Principles*. I put the *Supremacy* and whole *Sovereignty* in the *King*, and not in the *Parliament*.

Hoad. Yet you *Quote Acts of Attainder*, to *Justify* your *de Facto*. And make an *Act of Parliament* of the *Usurper*, sufficient to *Extinguish* the *Right* of the *Dispossessed Prince*. As in your *View of the English Constitution*, p. 86, 87.

(12.) *Hott.* This Dispute of *King* and *Parliament* makes you *Blunder* on Both sides. You know not where to *Fix* your *Government*. Some say it is in the *King*; others, that it is in the *Parliament*; and others again, That it is in *Neither*, but only in *Both* together. You had a *Civil War* betwixt *King* and *Parliament*. And for *King AND Parliament*, when they were Fighting against one another! This confirms me in my Opinion against any *Government* at all. For it is better have *None*;

None, than not to know where it is, and to be Cutting Throats about it!

(13.) Then again I consider how *Nations* go to *War*, and *Rebellions* are Raised, about nothing Else, but what the *Name* of their *King* shall be. What else was the Matter in that long *Civil-War* betwixt *Tork* and *Lancaster*? It was not a *Farthing* to the *People* whether *Richard the Second*, or *Henry of Lancaster*, was their *King*. The One might have *Governed* them as well as the other. What was it to *Poland*, whether *Conti*, *Augustus*, or *Stanislaus*, were their *King*? They are all Honest Gentlemen, and any of them might have done very well. What is it to *Spain* whether *Philip* or *Charles* wears the *Crown*? Therefore I call it only a *Contest* about the *Name* of their *King*. And when I see *Ambition's* Men *Persuading*, or *Forcing* whole *Nations* to *Kill* and *Destroy* one another about their *Rights* and *Titles*; is it not Better to have no *Rights* or *Titles* at all? But to let *Mankind* live *Quiet* and *Secure* in their *Original Freedom*, and *Independent State of Nature*?

(14.) *Hig.* } However we may Dif-
Hoad. } fer betwixt our selves, yet
we must not let this go away with you.
We are Both for *Government*, though we
may

may not Agree about the *Measures* of our *Submission*. But to have no *Government* at all, would put us in the Condition of *Brute Beasts*, to *Tear and Eat* one another.

(15.) *Hott.* Whether are more *Beasts* *Destroy'd* by *Beasts*, or *Men* by *Men*? And which is most *Generous*, the *Methods* by which *Beasts* or *Men* *Circumvent* one another?

Birds feed on Birds, Beasts on each other Prey ;
But savage Man does only Man BETRAY :
Prest by Necessity, they Hunt for Food ;
Man Undo's Man, to do himself no Good !

The *Cannibals* are more *Rational* than you are. For they *Eat* their *Enemies*, ther is some Use in that. But you *Kill* for *Killing Sake* ! Nay, where you have no *Spleen* nor *Malice* to *Gratify* ! Thus *Nations* are Called out to *War*, and *Destroy* one another ; whom they never saw before, not a Man of them, but wou'd *love*, them and *Live Friendly* with them, if they were left to *Themselves*, to follow their own *Nature* ; but now must Count them their *Enemies*, and *Kill* them, because so Commanded by their *Governors*, to satisfy their own *Ambition*, *Revenge*, or *Freak* : And if they do it not willingly, they shall be *Pressed*, and *Forced* into the

Mouth of a *Cannon*, and Leave their *Wives*, and *Children* to *Starve at Home* ! This is the Benefit of *Government* ! And more *Men* are *Destroyed* by this, than *Beasts* by *Beasts*. We *Hottentotes* sometimes *Quarrel* among our selves, as you do ; and sometimes a *Man* may be *Killed*. But not so many in many *Ages*, as in an *Hours* time with you, upon a *Field of Battel* ! You make an *Art of Killing*, and they are the *Bravest Men* who are most *Skilful to Destroy* ! He whose Trade it is to *Kill a Beast*, is a *Butcher* ; but He who *Butchers Men* is a *General* and an *Hero* ! And all the *Excuse* is, That without this, your *Government* cannot be supported ! Are not We then well Rid of it, and Live we not more *Lovingly* together, and more like *Men* ? We shew you what the *Original* and *Independent State of Nature* is. And what has *Mankind* got by Leaving this *Happy State*, and Erecting *Government* among themselves, as you Mr. *Hoadly*, suppose the *Cafe* to be ?

(16.) *Hoad*. To *Government* we owe the *Civilizing* of *Mankind*, and *Cultivating* *Arts* and *Sciences*. Look upon the *Governed* part of the *World*, what *Glorious Cities* do you see ; what *Sumptuous Courts* and *Palaces* ; how many *Universitys*, *Colleges*, and *Schools*, for *Philosophy*, *Divinity*, *Law*, *Physick*, &c. *Academys*, for *Painting*, *Sculpture*,

ture, Statuary, Dancing, Fencing, Riding, &c. Stately Exchanges and Halls for Trade; Noble Courts of Judicature, and Beautiful Inns of Court; Large Edifices for several Mechanical Operations; especially for Navigation, so Necessary and Beneficial to Mankind, in Carrying on Trade and Commerce through the World; and lastly the Arts of War, which are Wonderful Encampments, Fortifications, Engineering, Mines, Counter-Mines, &c. And let me add, Capacious Libraries, containing Books which Teach all these and many other things; what Variety, what Improvement of Knowledge and Learning do you see here? And this in our Opinion, makes one Man differ from another, as much as Man from Beast? Whence we think you *Hottentotes* retain little of *Human Nature* but the *Shape*! And all these Accomplishments we owe to Government. Without which we should be in as Dark Ignorance as you.

(17.) *Hott.* Sir, I have Travelled through many of your Governed Countries, and made my Observations. And the more I consider Their STATE and Ours, I find more and more Reasons for Preferring Our Own. First, Ours is the Original State of Mankind, for which, you, Sir, have so much Contended. And all of you allow these First to be the Purest Ages, before

they knew all that *Craft*, and *Dissimulation*, that *Violence*, *Pride* and *Ambition*, which have since filled the World with unspeakable *Miseries*! And for that *Knowlege* you Boast of, it is of that Sort which you say *Deceived* our first *Parents*: It has shewed you indeed *Good* and *Evil*, but much more *Evil* than *Good*. As I have said before of *Government*, it *Creates* more *Evils* than it *Cures*. It not only *Invites* and gives *Occasion*, but it *Forces* us to *Kill* and *Destroy* one another, by *Art* and *Rule*; we are *Commanded* to do it, and it becomes our *Duty*, of *Obedience* to our *Governours*! And to Prevent one Man Killing another, in the *Natural State*, you *Destroy* by *Thousands* and *Millions*! And because *Neighbours* may fall out among us, you set *Nations* together by the Ears, who are *Strangers*, and have no *Quarrel* at each other; and you spread *War* over the Face of the Earth! And the whole Ground of this *War* is *Dominion*! It is *This* will not let the *World* have *Peace*!

And as to all those *Fine* and *Curious Inventions*, for which you say you are so much obliged to *Government*; they move not my *Envy*, but my *Pity*, to see Men Create a Thousand *Necessities* to themselves, and then spend all their *Time* and their *Wit* to *Supply* them in the best Manner they can, and Boast of their *Invention*!

As

As if I should Break your Legs, to shew you the Convenience of *Crutches*! Such I esteem all your *Arts* and *Sciences*, and what you call *Learning*, to lead a Man's Thoughts out of the Way, to things that do not belong to him, which make him neither the *Better* nor the *Wiser* Man, but a meer *Philosopher*, who, according to your own *Proverb*, is a meer *Ass*. And for the wonderful Improvement of your *Mechanicks*, in fine *Buildings*, Curious *Pictures* and *Statues*, Rich *Furniture* and *Equipages*, Variety of *Fashions* in your *Cloaths* and *Dressings*, and *Rarities* in Abundance — — They only shew me how many things ther are which I have no need of. It makes me Laugh to see a *King* Sweating under a Heavy *Crown*, and a great Load of *Velvet* and *Embroidery*, which they call his *Robes*! But you say, these things are Necessary to *Government*! And are not they *Wise* Men who are Charmed with such *Showes*! What is a great *House*, and what you call a *Noble Seat*, but a *Baby-house* for an Old *Child*, who loves to look at *Pictures*, and will *Cry* if one of his *Play-things* is *Broken*! Then the Plague of *Attendants* and *Visits*. To have a hundred Fellows Running after one, and Hunting him Day and Night that he has not an Hour to himself; and all *Spies* upon him, to Watch every *Word* and *Action*! And a

Prince must have Guards to save him from these, and he knows not Who, that may have a Mind to Try how that Crown and Robes wou'd fit himself! And he must Watch his Guards, for sometimes they too Murder him. A Hottentote wou'd not know a Prince from a Prisoner by his Armed Equipage! The Prince is the perpetual Prisoner all the Days of his Life! But this you call State! And the lesser Quality have their Guards of Attendants too; and He is the Greatest Man who has Most to Provide for! And tho' a small Matter wou'd Feed himself, he must Furnish a Table every Day for Comers and Goers! And what a Slavery do you bring upon your selves by what you call Good Breeding and Manners? You must make and return Visits, where you have neither Business nor Kindness! And you must Learn the Chatt, to Complement, that is, Lie to all that are Present, and Censure them as soon as they are Gone! This Article and Dressing, is the Business and Accomplishment of Ladies, and Employes most of their Time! But that is Innocent to what you call Court-Language in Men, to Cut a Throat with a Feather, to pay all the Civility, and make all the Professions in the World, to the Man you Intend to Supplant and Ruin by it! And this is a Fine thing you call Politicks, without which a Man cannot make his way in a Court!

And

And what is all this *Impertinence*, all this *Wickedness* for? To get these *Play-things* you call *Riches* from one another! This has Weary'd some *Great Men*, even *Kings*, to that Degree, as to Throw away these *Baubles*, and *Retire* to the *Pleasures* of a *Private Life*; where they might spend some of their *Time* to their own *Benefit*, and not have it All laid out in doing the *Business* of other Men!

Now we *Hottentotes* are free from all these *Cares* and *Troubles*, for we have none of these *Necessities* upon us. We eat *Roots* and *Fruit*, and sometimes *Gutts* and *Garbish*, and *Live Long* and *Healthy*. While your *Dainties* Cut you off in the Middle of your *Age*, with *Gout*, *Gravel*, and *Racking Diseases*; you Invent *Relishing Bits*, and *Appetizing Sauces*, to make you *Eat* more than *Nature* Requires; and you *Drink* not to *Quench Thirst*, but to commit *Excesses*, and turn your selves into *Beasts*! But who will *Debauch* in our *Clear Springs*? This is the *Drink* which *Nature* has *Provided* for us. This *Clouds* not our *Reason*, nor makes us *Mad*, nor *Ruins* our *Health*.

We go *Naked*, as your Ancient *Britains* did, and are all *Face*, we catch no *Cold*. We have no use for *Beds*, the *Heavens* Cover us, and the *Earth* is our *Pillow*. In *Storms* and *Rain* we get into *Caves*, the

true Use of Houses; but you make them so *Fine*, that you *Live* in them, and Debar your selves of the *Clear Air*. And half your Servants Work is *Washing* and *Scrubbing* your *Houses*, *Dusting* and *Airing* your *Beds* and *Furniture*, that they *Stink* not under you; which yet when you have done your *Best*, are *Musty* in Comparison of the free *Air* that we *Breath*. You get out into it sometimes, which you call, *Taking the Air*, but we have it Continually. And to Indulge your *Delicacy*, you make *Places* in your *Houses* for all your *Filth*, even in your *Bed-Chambers*, lest the *Air* should Blow upon you! The *Nastiness* of a great *House*, or a great *Town*, is more than you will find in all the Land of *Hottentote*. We have no Use for your *Scavengers* or *Gold-finders*, nor wou'd we Endure such Company, as *Homely* as you think us. I wou'd not live near a *Peuterer*, a *Smith*, or *Brazier*, for the *Noise*; nor within *Smell* of a *Soap-Boyler*, a *Tallow-Chandler*, or a *Felt-Maker*, for the *Stink*; nor of a *Glass-house*, or *Brew-house*, for the *Smoke*: Yet these fill your great *Cities*; and *Brick-Kilns*, Choak up the *Air* about them. Much good may it do you with your *Manufactures*, without which you cannot *Live*, and we *Live* much Better without them.

And

And what are your *Curiosities*? Can a Painter draw a *Tulip* so Beautiful as the *Original*? How faintly do your *Colours* Represent a *Rain-Bow*, or the *Stars*? How silly is a *Picture* or *Statue* of the *Sun*? Believe me, Sir, we cannot help thinking these any other than meer *Trifles*, to please *Children*! And we think our selves more *Men* in *Despising* these, than you in *Admiring* and *Gapeing* at them! Even the *Ugliest* of them, as your *Chinese Figures* of *Cocks* and *Bulls* which now Adorn your *Houses*!

And for your *Ingenuity* in the *Art of War*, keep your *Inventions* to your selves, we Envy you not! We can Decide our *Controversies* with a little *Fifty-Cuffs*, and what Arms *Nature* has given us; to *Scratch* and *Bite* is much *Safer*, tho' not so *Graceful*, as your *Cannons*, *Bombs*, &c! And *Mankind* is little Obliged to the *Curious* in these *Arts*! We have no *Thieves* or *Robbers*, for we have nothing Worth their *Stealing*. We have no *Ambition*, because we have no *Dominion*. We have no *Want*, and you *Want* every thing! *Nature* makes but few *Wants*, and Provides plentifully for them: But *Pride* and *Luxury* make many, even as many as a Roving and *Wanton Imagination* can Suggest! Ther is a *Bird* in the *Indies* has a curious long *Tail*, and I must send all the way thither to get one

one of the *Feathers* to stick in my *Cap*, and then how *Fine* I shall look! And ther is a pretty shining *Pebble* grows in some of these Mountains, wou'd make my Little Finger *Glitter*! Yet you *Laugh* at us for Adorning our selves with *Shells* and *Feathers*! Ther are *Hot-Suppings* among the *Turks* made of a *Black Berry* grows there, I must have some of them! And I must Smoke *Tobacco*, tho' it *Stinks*, and at first makes me *Sick* to Death, because the Barbarous *Indians* do it whom I despise! And now it is so *Necessary* to me, that I shall be *Sick* without it, I had rather want my *Dinner* than a *Pipe of Tobacco*! And I must have *Earthen-Ware* from *China*, tho' I have as Good for Use, at Home! How *Necessary* is a *Salt-Spoon*, and *Sugar Tongues* for my *Tea*! In short, these and the like *Articles* make up your *Trade*, without which you think you could not *Live*; and *Nations* are at *War* about it, and keep a watchful Eye upon each other for nothing so much as for *Trade*! Which yet brings you not one thing, your *Forefathers* did not very conveniently *Want*; and were they now Alive, it wou'd take some time to Instruct them in the *Use* of your *NECESSARY Superfluities*! And what good has *Navigation* done, except to Encrease these *Necessities*, and Transport *War* from one *Nation* to another? How happy wou'd your *Britain*

tain be, if ther was not a *Ship* in the World? You wou'd then be out of Fear of *Invasions* from your Neighbours. And what if you knew not ther was any *World* beyond your selves? Do you want *Company*? You are not yet Acquainted with All in your own *Island*. And ther are *Parts* of the *World* you have not yet found out. Is ther no Happiness but in *Roving*? You see fine *Houses* abroad, and you cannot Rest till you make the Like at Home! But what are your *Lofty Towers*, and *High Embowed Arches*? Can you shew me any like the *Cope* of *Heaven*, which I see Continually? I need not *Travel* for it. And when I look to *That*, your *Stately Buildings* appear less to me, than a *House* a *Child* makes of *Clay*, or *Cards*, does to you. And I *Laugh* when I see a *Puff* of *Wind* throw them down! All your *Art* is but to Imitate *Nature*, and that much more faintly than a *Child* does *Ape* a *Man*. You say, *Custom* is a second *Nature*. How many *Natures* then have you made to your selves? And all *These* must be Supply'd, as of *Necessity*! Hence come all your *Mischiefs* and *Inconveniencies*; no body Robbs upon the *High-Way* for Want of *Bread*; but he was Born a *Gentleman*, and cannot *Work*; he must have his *Bottle* of *Wine*, and good *Cloths*, and *Money* in his *Pocket*, to keep good *Company*! All this comes from your

Second

second Nature! This makes a *Child Grudge* the *Life* of his *Father*, that he may have his *Estate*. And wou'd you have us gather *Riches*, to put this *Temptation* in the way of our *Children*, and may be to Cut our *Throats* for them, as is seen among you? And these are of no *Use* to the *Nature* which God has given us. He made *Man Perfect*, but they have found many *Inventions* to make themselves *Miserable*! We teach our *Children* to *Hunt* for their *Daily Food*, as we do; and they *Love* and *Serve* us. No *Hottentote* was ever yet *Afraid* or *Jealous* of his *Son*, We have no *Graneries*, nor do we mistrust *Providence*, which Provides for the *Beasts* and *Fowl* who have no *Store-houses*; and we think our *Selves* Better than *They*, and that *God* will *Provide* for us too. We trust Him with our *Lives*, and Ask no more than our *Food* from *Day* to *Day*. But you *Christians* who Boast much of your *Faith* in Him, will not *Trust* Him further than you can *See* Him, as the Saying is. How do you *Twist* and *Screw* your *Conscience* when it goes *Athwart* your *Gain*? You serve *God* no further than He can Agree with *Mammon*, though you *Preach* that no *Man* can serve these Two *Masters*! If this be True, how Happy are we *Hottentotes* who have no *Mammon*! That *Devil* cannot Come where Men live according

ding to the State of *Nature*. But He is a Greater *Prince*, and Rivals God more amongst you, than all the other *Devils* of *Hell*! For you make a *God* of your *Belly*, of your *Pride*, *Lufts*, and *Pleasures*, and these cannot be Supported without *Mammon*. How many *Gods* has this *second Nature*, the *Customs* and *Habits* you have Contracted, Created to you? Yet you Plead *Nature* as an *Excuse*, it is *Nature* Prompts you! Whereas every one of these *Desires* which Hurry you out of your *Reason* and *Religion*, are unknown to *Nature*, and are meerly your own *Inventions*, which by *Custom* you have made a *second Nature* to you, and now you Cry you cannot Help it!

(18.) *Hig.* { You *Hottentotes* live like *Hoad.* } *Beasts* in a *Common*. None has any *Property* but in the *Mouthful* of *Grafs* he *Eats*, which another has not *Snapt* up before him.

Hott. And is not that as well as you *Beasts* in a *Park*, who are *Hedged* in, that you may be more easily *Catch'd*, and *Knok'd o' th' Head* at your *Governours* Pleasure?

Hig. { Have we not *Property* at least *Hoad.* } in our *Wives* and *Children*?

Hott.

Hott. Nature teaches even Birds and Beasts to take Care of their Young. But that no longer than till they can take Care of Themselves. And for Wives, Nature knows no such thing, as for a *Man* to Engross a *Woman* to himself, It is an Injury to any other *Man* who has a Mind to her. It is like Paleing in a Park out of the *Common*, an Infraction upon the *Common Good*. And tho' a *Man* Hate his *Wife*, and she him; yet they must Live together, like *Dogs* and *Cats*, and neither of them at Liberty to *Choose* where they *Like* better. I am sure this is against all the *Laws of Nature*, which would never thus *Confine* it self.

Hoad. But suppose a *Company* of *Men* should Agree thus to *Confine* themselves, and should think it for their *Good*?

Hott. To *Confine* themselves, do you say? You mean to *Exclude* others. For that is the End of all *Combinations* of *Men*, let it be for what Purposes soever. As to Erect themselves into *Societies*, to give to any a *Property* in their *Goods*, or in their *Wives*; all this is *Exclusive* of others. And is a Plain *Encroachment* upon the *Law of Nature*, which has left all things in *Common* to all *Men*. And therefore they who would *Engross* to Themselves, are *Publick Enemies*, and *Rebels* to the *Law of Nature*; and ought to be Treated as such, by all who

who Love the Glorious *Liberty* and *Prerogative* of *Human Nature*, in which only we are *Free-Born*; for after *Laws* and *Society* come in, all under it are *Born Slaves*, that is, under the *Absolute Dominion* of what you call the *Legislature* in every *Society*: And whether That be in the Hands of *One* or *More*, it is all the same as to the *Destruction* of *Liberty*; for what is it to me whether I am *Hanged* by the *Command* of *One Man*, or of *Five Hundred*? Nay, the *More* that have Power over my *Life*, it is the *Worse* for me, and my *Liberty* more in *Danger*. It is *Senseless* to call this *Liberty*; but still more so, to say it is *Dictated* by the *Law of Nature*, for it is in *downright Opposition* to *Nature*, and a *Contradiction* to that *Liberty* which it *Gives*.

(19.) *Hig.* Indeed, Mr. *Hoadly*, I think you are *Worsted* as to your *State of Nature*. You can never make *Government* Arise out of it. You had better come to my *Scheme of Divine Institution*. This is the only Foundation upon which *Government* can Stand. Ther must be an *Authority* *Superiour* to *Man*, to Erect *Government*; and from whence the *Obligation* to it, as to *Conscience*, must flow.

Hoad.

Hoad. So, so, You take Part with the *Hottentote* against me! But I think your *Scheme* less *Tenable* than even His. For you give a *Divine Authority to Government*, yet make *Human Authority Superior* to it; Nay, even *Chance*, the *Loss* of a *Battle* or so; Nay the most *Damnable Wickedness* of *Treason, Treachery, and Robbery*, to *Extin-*
guish all the *Right* it has!

(20.) *Hott.* I see no *Likelyhood* that you Two will *Agree*. But before I take *Leave*, I desire to be *Heard* one *Word* in behalf of the *Constitution* of my *Country*, which may give you some *Light* in this *Dispute*.

Hoadly. Your *Constitution*! Why, you have none at all. Can ther be any *Con-*
stitution where ther is no *Government*?

Hott. Sir, we have *Government*.

Hoad. How! Have you not been *Arguing* all this while as if you had no *Government*? Have you been *Bantering* us?

Hott. Gentlemen, I ask your *Pardon*— But it is even so. I was willing to hear all you cou'd say upon the *Natural State*, and finding you thought us *Hottentotes* to be in that *Condition*, I therefore *Acted* the *Part* as well as I cou'd. But I assure you we have *Government*, and that *Kingly* too. Ther are several *Kingdoms* among us, and

a King over every one of them. So that, Mr. *Hoadly*, you must go somewhere else to find an *Example* of your *Independent State of Nature*.

Hoad. Then I am finely Cheated! I thought my self Secure of you *Hottentotes* for my *Independent State*. But what are you? What Account do you give us of your *Country*?

Hott. We are known by the Name of *Cafri*, which in our Language signifies *Lawless*, not that we are without *Govern-ment* (as you Fancy) but without *Laws* as *Checks* upon our *Kings*, who Determine all our Controversies as they think fit. Our *Country* is called *Cafraria*, and Divided into many *Colinies* or *Kingdoms*, which extend over a great Part of *Africa* about Six Hundred Miles. The most *Barbarous* sort of us are those about the *Cape of Good Hope*, who only are known to the *English*, who call in there in their *Voyages* to the *East Indies*. But we have no *Commerce* with you, so you know little of us. But you give us the Name of *Hottentotes*, from the Word *Hottentote*, which we Repeat often in our *Dances* every *New Moon*. And you do but *Guess* at our *Religion* or *Governiment*; which because you know not, you Fancy we have None.

We have not such Stately *Edifices* as you in *England*, but we have *Huts* and *Houses* which serve us for all the Conveniences of Life that we want; but we Build them not so *Fine* as to be Afraid to make use of them, and live in the worst Part to save the *Best*. Our *Food* is *Plain* and *Natural*, and Adapted to our *Stomachs*, not our *Stomachs* to our *Meat*. Whence we have no *Surfeits*, and those *Diseases* are unknown to us which fill your *Bills of Mortality*; and we live Healthy and Strong to an *hundred Years*, Generally, many to *one hundred and twenty*, or *one hundred and forty*, and are *Active* and *Robust* in our *Bodies*.

Our *Kings* have frequent *Wars* with each other. And we generally *Sell*, some *Eat* their *Captives*. So that we are not in that Happy State of *Nature* I have Described, and which is not to be found upon the Face of the Earth. I painted it more according to my own *Fancy* than true *Nature*, which is a more *Furious* and *Ungovernable* thing than to be kept within any Bounds, unles *Restrained* by the *Toke* of *Government*. And they who would throw off this *Toke* are called in your *Scriptures* Sons of *Belial*, which *Word* signifies Literally, without *Toke* or *Restraint*. And a *Nation* of these would soon make themselves an *Acelandia*, while ther were but *Two Men left*.

lest. For it is *Natural* to every *Man* to *Affect* a *Superiority* over another, and as *Natural* to *Resist* it. We see this in *Common Conversation*, how *uneasie* it is to bear *Contradiction*, though about a *Notion* only, of no *Manner* of *Consequence*! It is like *Quarrelling* about the *Game*, though you *Play* for *Nothing*! Ther is a *Natural Pride*, which *Hates* to be *Overcome*! How then should *Men Agree* about *Meum* and *Tuum*, and *Real Interest*! This will *Separate Friends*, and turn them into *Enemies*. And we have these *Grounds* of *Quarrel* among us, for we have our *different Interests*, and *Property* in our *Goods*, our *Wives* and *Children*, for we too have *Marriage* among us. If I kill a *Deer*, I will not suffer another to take it from me; far less to take my *Wife* or *Child*. For ther is nothing wherein ther is a more *Natural Rivalship* than about a *Woman*. Hardly *Two Men* could *Agree* in this, if ther were but *Two Men* and *Two Women* in the *World*. And if ther were not some *Authority* to make every *Man's Wife* his *Property* and his *Right*, what could Restrain the *Violence* of *Mankind* in this *Rivalship*? One Fine *Woman* might set a *Nation* by the *Ears*. I am sure *Nature* could never *Decide* it; for every one would *Plead* his own *Nature*. And it is the like in all other *Disputes* concerning *Right* and *Property*. My

little *Hutt* is as much my *Castle*; that is, my *Right* and *Protection*, as your Great *House*; and I have as much *Right* to *Defend* it. A *Bird* will *Defend* its *Nest*, and a *Fox* his *Hole*. Even they could not *Live* without *Property*. Nor could their *Property* be any *Property* to *Them*, or give them any *Right*; if they were as *Cunning* to *Distinguish* as *Men*, and *Plead* the equal *Right* of *Nature* to All; which could not be taken away or *Forfeited* by a *Chance*, by one *Man's* *Lighting* first upon any *thing*: And *Government* would be as *Necessary* to *Them* as to us, if they had the same *Ambition* and *Designs* upon one another as *Men* have. Therefore what I urged before of the *Benefit* of *Mens* *living* as *Harmless* with one another in the *State* of *Nature*, as *Beasts* do, was all a *Sophism*, and took not in the whole *Case*; for ther are other *Ingredients* in *Man*, I have now mentioned, which make the *Case* of *Men* and *Beasts* differ vastly.

(21.) Besides, *Nature* has not made *Beasts* Capable of *Government*. Yet ther is an *Instinct* in them which leads them to an *Image* of it. Ther is a *Dux Gregis* among *Cattle*, who has the *Ascendent* over the Rest, and they follow Him. Ther is a *Master-Bee* in every *Hive*, Bigger then the others, and whose *Apartment* is four times

times as Large as any of their Cells. Who never goes out to Work, but is Served by all the Rest. Who is their Principle of Unity, and when Dead, they all forsake the Hive and Disperse, their Government is Dissolved ; they leave their Combs and their Honey behind, as if Gather'd only for the Use of their Sovereign. Upon a Swarm, one who had a Mind to try the Experiment, caught the Master-Bee, and Carry'd it away ; upon which, the whole Swarm immediatly Dispersed, all Flying up and down, as if in Quest of their Leader : Then the Gentleman took the Master-Bee, and having first pull'd off its Wings, laid it on the Corner of a Grass-Plat, at a Distance from them, but within their Hearing ; as soon as they heard its Voice, they all straight Flew to it, and Lighting on the Ground, crept Round and Round it, Encircling it, till it was in the Centre of them all, and none offer'd to Fly away from it. The Gentleman then took it from them again, and Placed it in another Corner of the Grass-Plat, and they did the same again. And having Repeated this several times, he at last KILLED it among them : Upon which, they kept their Stations round the Dead Body ; and the Gentleman could not Force them from the Place, till he had taken their Dead Governour quite away, that they knew not where to find the

Body. So much more Perfect is this *Image of Government* which *Nature* has Planted in these *Animals*, than what *Belial* has left amongst *Us*. For these know no *Distinction* or *Reserves* in their *Obedience*.

(22.) *Hoad*. That is, because they are *Beasts* — And such are all who *Obey* without *Reserve*, and *Tamely* give up their natural *Rights* and *Freedom*.

Hott. If they do not *Tamely*, they must do it by *Force*. For let them *Struggle* on, till one *Half* of them is *Destroyed* by the other, they will still find themselves just in the same *State* as when they Began, that is, under the *Absolute Dominion* of *Some* or *Other*; and whether their *Deliverers* will prove better *Governours* than those they *Dispossess*, is a *Hazard*, and seldom seen in the *World*. So that, as I said before, the whole *Contest* is only about the *Names* of their *Governour* or *Governours*; for Change *Mankind* round, you will find them much alike, all *Desirous* of *Power*, and that *Absolute* in *Themselves*, though they will not *Allow* it in any *Others*. And this is the *Humour*, or *Nature* (if you please to call it so) of *States* and *Parliaments*, as well as of *Kings* and *Princes*. It is *Mankind* still, and they cannot *Alter* their *Nature*. So that the whole *Matter* in *Debate* comes to this, whether it is

Better

Better for the *Community* to sit down Quiet and Contented with what *Govern-
ment* they have, Rather than seek to mend it by *Changing the Persons*? Especially taking in this Consideration, That every New *Experiment* of this Sort, will cost more *Lives*, and *Destruction* of *Liberty* and *Property*, than the worst *Governours* ever were in the World could find in their *Hearts* to *Inflict*, or indeed is in their *Power*; for if a *Prince* should Command one *Half* of the *People* to *Massacre* the other, he cou'd not Expect to be *Obey'd*, but rather *Deposèd* by both Sides: For *Nature* will *Rebel* against *Principles*. And this is an *Awe* upon the most Absolute *Monarchs*, insomuch that whatever we may suppose their *Will* to be (which cannot be to *Destroy* their *People*, unless they are so stark *Mad* as to wish their own *Destruction*) yet no *Example* of it has yet appear'd since the Beginning of the World. But *Many* and *Many*, of *People* who have *Ruined* and *Destroyed* their *Country*, in their *Contests* for *Liberty*, till they left the *Smallest* Part remaining to Enjoy it: And these still under the same *Necessity* of *Chang-
ing* again, and for Ever, while the *Go-
vernment* is in the *Hands* of *Men*.

(23.) *Hig.* I must here Join with the *Hottentote* against you, *Mr. Hoadly*. For

he is come in Exactly to my Scheme, that is, to *Submit* to every *Government* in *Possession*. For this only can save us from these Unavoidable *Convulsions* which Accompany every *Change* of *Government*.

Hott. You say well, Mr. *Higden*, if this would Cure it. But consider, That every *Government* pretends to some *Right* or other, I mean a *Right* besides the bare *Possession*. This is an Universal *Notion*, Implanted in all *Mankind*; and to go against it, is to Alter the *Nature* of *Man*. You cannot find a *Government* ever was in the World which did not set up some *Right* besides *Possession*. But in *Hereditary Governments*, it is Apparent. Therefore we must find a way to make this *Permanent*, and to Prevent *Usurpations* upon it. And the greatest *Security* in these sort of *Governments* (as indeed in all *Others*) is to make them *Indefeasable*, which is, That no *Unjust Dispossession* of them shall *Extinguish* their *Right*; this Arms *Mankind* against the *Usurper* for Ever whilst the *Right* remains. And this is a greater *Terror* to *Usurpation*, than the *Hazard* of getting into *Possession*; which is often done *at once*, or by a *Trick*, always by *Fraud* and *Injustice*. And if this should give *Right*, it would be an *Encouragement* to perpetual *Usurpations*, a *Reward* instead of a *Punishment*. Who wou'd not venture to *Leap* into

to a *Throne*, that Secured him for Ever? Besides the natural Abhorrence of the Notion, That *Wickedness* by Arriving at its *Height*, becomes *Just* and *Right*! Your *Apostle* says, that *Sin* when it is *Perfected* bringeth forth *Death*; but you say, it bringeth forth *Righteousness*, and Acquires a *Divine Commission*! The *Act of Usurpation*, you own, is a *Sin*, and ought to be *Repented* of: Can then my *Sin* take away the *Right* of Another? And does not *Repentance* Oblige to *Restitution*? And can it be *Conscience* to Fight against that *Restitution*? Is it a *Christian Principle* that *Success* gives *Right*? Is it *Providence*? Then *Christ* must give Place to *Mahomet*, and Both to us *Pagans*. And is ther not the same *Providence* in all *Robbery*? But is *Robbery* a *Sin*? And yet is it *Just* and *Good* to Detain what I have *Robbed* from the right Owners? Or is their *Right* Extinguished by my getting into *Possession*? If so, *Right* is but a *Chance*, and the same thing may be *Right* and *Wrong* Twenty Times a Day! And what need then your *Courts of Justice*? *Cross* and *Pile* is the most Equal *Decision*! Or let the *Strongest* take All! Let every one *Get* what he *Can*, and *Keep* what he has *Got*! This you call the *Law of Nature*, and think us Miserable because we have no other *Law*. And yet is it not the very same with your *Principle*

ciple of *Possession*? But our *Nature* teaches us better things. And much *Learning* has made you *Mad*! Ask any *Man of Nature* in the *World*, if he *Saw* one *Man Robbing* another, whether he ought not to *Assist* the *Injured*? Yes, say you, before the *Robbery* is *Perfected*; but have a *Care*—If the *Robber* has got the *Possession*, he has *Gained* the *Right* too; and you are *Obli-*
ged then in *Conscience* to stand by *Him* as the *Rightful Owner*; and to *Fight* against the former *Possessour*, if he should seek to *Recover* what he (for want of your *Learn-*
ing) thinks still to be his *Right*; and if he should *Raise* the *Hue* and *Cry* against the *Robber*, you ought to stop the *Pursuit*, and *Cry* out *Possession!* *Possession!* Gentlemen you know not the *Prerogative* of *Possession!* It is true he is a *Robber*, but *Suc-*
cess has given him the *Right!* And this is *Necessary* for the *Peace* of the *World*, that ther should be an *End* of *Disputes*! Would this be an *Encouragement*, or a *Terrour* to *Robbery*? And so of *Usurping* a *Crown*. Your *Remedy* is *Worse* than the *Disease*. You take away the *Punishment* that ought to follow *Usurpation*, to *Deterr* Men the more from it! And this, you think, will make fewer *Usurpations*! That is, the more *Easie* a thing is, it is the *Har-*
der to come at it! This is your *Logick*! But I like better to keep my own *Natural*

tural Notions, that *Right* is *Right*, and ought to be *Supported*; and *Wrong* is always *Wrong*, and ought to be *Pursued* as the Publick *Enemy*; and the *Longer* it *Continues*, it is the *Worse*, and still more and more *Wrong*; and no *Prescription* can take away *Right*, or Alter the *Nature* of *Right* and *Wrong*. And this *Rule*, Sir, I humbly *Conceive*, would keep *Peace* and *Quietness*, and *Justice* too, more in the *World*, than your making *Success* the *Standart* of *Good* and *Evil*, which is indeed making them *Both* the *Same* thing!

(24.) *Hoad*. You are in the *Right*, Mr. *Hottentote*, and an Honest *Whigg* in this, for we *Detest* Mr. *Higden's* Principle of *Possession* as much as you do. We hate any *Usurpation*, how *Prosperous* soever, upon the *Rights* and *Liberties* of *Mankind*. And the more *Prosperous*, it is the greater *Enslaving* of the *World*. And to tell us that we ought not to turn *Wickedness* and *Injustice* out of *Possession*, is to *Subscribe* to all the *Conquests* of *Satan*, and his *Emissarys* upon *Earth*: Nay, to *Adopt* them into the *Ministers* of *God*, and His *Vice-Gerents*; and that for *Usurping* upon those whom Mr. *Higden* owns to be the true *Vice-Gerents* of *God*, and *Guards* with *Irresistibility*, as the *Ordinance* of *God*, upon *Pain of Damnation*! Yet Rewards the *Resistance*

sistance of them (if it Succeeds) with the same *Divine Right*, now Transferred to them, who were the Hour before the *Ministers of the Devil*, in *Resisting* their Lawful *Sovereign*, and Deserved the Gallows, if they had Missed the *Throne*! And who, he thinks, will still be *Damned* for this, without *Repentance*, but yet that they are not Bound to make *Restitution*! for that their *Damnable Sin* has quite *Extinguished* the former *Divine Right* of their *Injur'd Prince* (whom they have *Unjustly* and *Wickedly Dispossessed*, against all the the *Laws of God and Man*) which now Accrues to *Them*, by their *Rebellion* having taken its full *Effect*! And which he owns had not been so Great a *Sin*, if it had not *Succeeded* so far as to Gain *Possession*. Yet this *Possession*, and this only, now Conveys the *Divine Right*! That is, the *Greater* the *Sin*, the *Nearer* it brings us to *Divine Right*! This comes upon you, Mr. *Higden*, for your vain Attempt, to *Reconcile* *Divine Right* and *Usurpation* together. But we who place the *Power* in the *People*, think it no *Usurpation* to *Dispossess* any *Prince* we do not Like, and to put whom we Please in his Room. But if we thought any *Government* to be *Usurpation*, we would not *Obey* it, but think our selves Obliged to Overthrow it whenever we Could. Thus we make our selves Easie, and

and can never go Wrong, while we Esteem the *Voice of the People* to be the *Voice of God*.

(25.) *Hig.* Do you think it so now, or since Dr. Sachaverell's Tryal?

Hoad. No. We except your *High-Church MOBBS*, they are the *Devil!* But by the the *People* we meen only *Our Selves*, the *True Peaceable and Moderate Men!* And when we *Raise Mobbs*, it is always for a *Good End*, to *Promote Peace and Quietness; Religion and Good Government!*

Hig Yours is a *Sensless, Noisy, Party-Driving, Mischief-Making, Good for Nothing MOBB!* — Ours is a *Mobb of Sense and Principles*, a *Self Denying MOBB!* They *Rise up* against their *Flatterers*, you *Sneaking Whiggs*, who wou'd set *Them* above *Kings* and *Parliaments*, and make them Believe that they are the *Original and last Resort of Government!* But we have Taught them better, That no such thing Belongs to *Them*, that they were *Born* to be *Subject*, and Requir'd by *God* to pay *Obedience* to their *Lawful Rulers*, as His own *Ordinance*, upon *Pain of Damnation*; therefore that you wou'd *Cheat them out of their Souis*, as well as their *Lives* and all *Pezze and Settlement* in the *World*, by *Prompting* them to *Rebel and Murder* one another to the *End of the Chapter*, for their *Liberty*, to

to do the same again, and again, as often as any Designing *Knave* has a Mind to set them on Work for his own *Advancement*, and Wade to the *Crown* through an *Ocean* of their *Blood*! And this is the only End for which you *Coax* and *Sooth* them and tell them of their *Power*! Therefore they *Despise* You, and Join with Us, who Deal *Honestly* by them, and tell them the *Truth*, which they Always find to be so; and for their own *Advantage*, both in *Soul* and *Body*, both *Here* and *Hereafter*. We have Dissolv'd the *Charm*, and the People have Recover'd their *Senses*, to Prefer *Government* to *Anarchy*, *Peace* to *War*, and a *Conscientious Submission* to a Lawless *Liberty*.

Hoad. Ours is a good *Protestant Mobb*. Yours are filled with *Papists* and *Jacobites*.

Hig. But when you had taken them; they prov'd true blue *Presbyterians*, and then you let them go again. Your *Mobbs* are all *Papists*, for they are all for the *Deposing* *Doctrine*, which is perfect *Popery*. See *Two Sticks Made One*, or *The Devil upon Dun*; thiere you will find the good *Agreement* of the *Papists* and *Presbyterians* in this Point set before you in one Sheet, to be Hung up as a *Picture* of them Both. No doubt you have in your Study the Noble Book, *De Juxta Abdicatione Henrici Tertii*
Printed;

Printed, *Lugduni*, 1591. *Ex Praecepto Superiorum.* And there we find every one of the *Arguments* you have given us, for the *Power of the People*, and for *Resistance*, that you seem just to have *Transcrib'd* it. Or else *Good Wits Jump'd*. It is all one whether we Oppose *Papist* or *Presbyterian* upon this Head, for they are *Both the Same*, one the *Master*, the other an *Apt Schollar*.

Hott. I know no Reason why we may not take Good things from *Papists*. But all their *Jesuitry* is outdone in your High-flying *Contradictory Addresses*. Your *Dissimulation* is Notorious !

Hig. That is in your *Opinion*. But how do you *Prove* it? You must enter into our *Hearts* to know whether we *Dissemble* or not: Or else shew it by our *Actions* as we have Discovered all your Horrid *Dissimulations* to K. *Char. I.* for his Preservation, and of the *Church*, which Ended in the *Destruction* of Both.

But I know where the Shoe pinches, you are afraid that we have gor your *Arms of Dissimulation* and *Treachery* from you, and Intend to *Fight* you with your *Weapons*! And if this were the Case, it ill becomes the *Whiggs* to Object it. It only brings their own *Sins* to Remembrance. *Clodius Accusat Mechos.* And if you should Fall by others Practising your own *Arts*, it would be Just upon you.

—Nec Lex est Justior ulla,
Quam Necis Artifices arte perire Sua.

Hoad. You have Dressed a *Whigg* up fairly— And now Mr. *Higden*, you must come in for a Snack, for I will Prove you to be as Errant a *Whigg* as my self. In your *Defence of the View of the English Constitution*. &c.

Hig. Hold Sir, I am not Answerable for that. That was Wrote by Dr. *Higden* And though I be the same Man, yet we are not of the same Mind.

Hoad. Then let Dr. *Higden* appear, and see how you two agree.

Enter Dr. *Higden*.

(26.) Dr. *Hig.* I hope it may be Lawful in me to Correct my own Mistakes.

Hoad. Yes. When you own them to be such. Otherwise it is but *Dodging* and *Contradicting* your self. The *Natural Born Subject* in his *Letter* to you, says —

Dr. *Hig.* Name not that Book, Sir; for I have Answered it already.

Hoad. Yes! As *Rats* answer *Books*, by *Nibbling* at some *Corner* of the *Leaves*. You Snap at some *Circumstantial*s of no Consequence to the Question in hand, and there you Triumph; but you wisely Avoid all

all his *Arguments*, and leave them still a full Answer to your *Defence*. You know I am no Friend to that *Author*, and I can Answer him in my own way. But I must say it, That he is Unanswerable by you, upon the *Principles* you have laid down.

Dr. *Hig.* What are those *Principles*? Come, since I must, I will Argue them with you.

Hoad. In his *Sect*, III. N: 12. p. 73, 74. He charges you with placing the whole *Legislative Authority* in the *King*, and in *Him Alone*. And Quotes your *View* full and Express upon the Point.

Dr. *Hig.* I have said Nothing to that in my *Defence*, I saw that Mr, *Higden* had Run himself a Ground there. And I have Endeavoured to bring him off as well as I could, for I saw what would come upon him for that High *Tory Principle*. Therefore I obviated it in the very first *Sentence* of the *Preface* to my *Defence*, where I make the *Consent of the States* Necessary to the *Just Possession* of the *Throne*. And I carry the same on through my Book, as p. 67. 103. &c. where I put the *Legislative* in the *King* and *two Houses of Parliament*.

Mr. *Hig.* When I wrote the *View* I was but just come out of the *High-flying* way, and could not Depart from it all

at once: I thought to have Reconciled it with my New *Principles*, that my *Change* might seem the less; but now I find it will not do, Therefore I have gone from it, and wisely Altered the *State* of the *Question*, and so given the *Slip* to all my *Opponents*! I thank the *Doctor* for this. It is never too late to Mend.

(27.) Dr. *Hig.* This was Necessary for me, to get over the Odious Instance of *Oliver Cromwell*, with which I was Pla-gued. For I have found out at last, as I say, p. 107. "That *Oliver* had not the "Consent of the three Estates of the "Realm, for his Protectorship; Two of "the three Estates, the Lords Spiritual "and Temporal, having been long before "laid aside, and it was no better than a "Mock-representation of the third Estate, "the Base and Ignominious Tools of "his Ambition, with the help of his Fa-natick Army, that made him Protector. *Hoad*, But had he not the Supreme Po-
wer, by whatever Means he came by it? And you say p. 60. of this same *Defence*, "That the *Legislative* Authority is Essen-
"tial to the *Supreme* Authority and In-
"seperable from it, since no Power that
"is less than the *Sovereign* Power can give
"Laws to a Community." So that here
you make *Supreme*, *Sovereign*, and *Legi-
flative*

flative the same thing. And that Oliver did give *Laws* to the *Community* you cannot deny. Therefore by your own *Principles* he was *Sovereign*, *Supreme*, and had the *Legislative Authority*. If you say, he had it not *de Jure*, tho' in *Fact* he did Exercise it, there is an End of your whole *Hypothesis*. And so it will be, if you give Men leave to look back upon all the Steps by which any *Usurper* mounts the *Throne*, and if they find any of them to be *Illegal*; not to Allow such a *de Facto* Government. For it is Impossible any should *Usurp* the *Government* without Breaking through the *Laws*. And this will make an End of all your *de Facto* Kings at a Blow. For you will find no *King* to be *de Facto*, by this Rule, but the *de Jure* King, who only comes to the *Crown* according to *Law*. So here you have Cut the *Grafs* under your own Feet, and Overthrown your whole Book all at once.

We *Whiggs* say, I have often *Preached* and *Printed* it, That *Parliaments* as well as *Kings* are Accountable to the *People*; as Deriving their *Authority* from the *People*. And therefore that as *Parliaments*; being the *Representatives* of the *People*, may Depose *Kings*, so the *People* may Depose both *Kings* and *Parliaments*. And though *King* and the two *Houses* of *Parliament* are the *Constitution* the *People* have thought fit

to set up, yet that the *People* are not so Tyed up to this, but that in Cases of Extremity they may take other Methods. Thus at the *Revolution* the *People* made a *Convention*, and that *Convention* after turned it self into a *Parliament*, to Restore the Primitive *Constitution*. And you would Overthrow all this, and make all their *Acts* Nullities, because all the *Forms* of *Law* were not, could not be Observed, if we would have a *Revolution*.

Dr. *Hig.* Do not put that upon me, Sir, I am heartily for the *Revolution*, I have *Complied* with it, *Sworn* to it, and *Wrote* in Defence of it better than any Man of the Age, and my *Work* is Admired and Hugged by every Body.

Hoad. Let them Admire it who will. But I Charge it upon you, that it is Levelled directly at the *Revolution*. He is Blind that does not See it.

Dr. *Hig.* I was in Distress indeed to get Rid of *Oliver* and his *Laws*. And I could find no other way, but that *Maxim* which I set down, p. 106. That a *Law* cannot be made without a *King*, or *Queen*.

Hoad. And what *King* or *Queen* did call our *Convention*? And did they make no *Laws*? Did they not Dispose of the *Crown*? And we say Rightfully, by Power derived from the *People*.

Dr.

Dr. *Hig.* But *Oliver* had not the Three Estates with him. The two First were laid aside long before. p. 107.

Hoad. Then it was not He who laid them aside. But the *First* of the *Three* was laid aside in *Scotland*, before their *Convention* or *Meeting of Estates* was turned into a *Parliament*. Are all their *Laws* then *Nulities* that have been made since?

Dr. *Hig.* But several *Attainted Persons* sat in *Oliver's Parliament*. And I have shewed, p. 72. That none such ought to sit till their *Attainders* were Reversed by *Act of Parliament*.

Hoad. The same Objection was made at the *Revolution*. So that your *Tail* is still in the *Well*. But we get over all this Easly. For these are but *Niceties*, and the *Original Power* of the *People* Solves all. But you *High-Flyers* who talk of *Divine Right* in the *King*, and make the *Parliamrnt* but a *Creature* of His, and to Derive all their *Authority* from the *Crown*, you, I say, can never get over it.

It was this Notion made *Char. II.* take the Title of *King* before he was in Possession.

Dr. *Hig.* I have Answered that p. 118. where I say, "As for the Case of King "Charles II. tho' he was not in Possesi- "sion, yet there was no King in Possessi- "on against him; and therefore he did,

“ what *Edward IV.* Durst not, assume
“ the Regal Title before he was in Pos-
“ session. ”

Hoad. Therefore if *Oliver* had taken the Title of *King*, as he was once about it, then *Char. II.* Durst not have Assumed it! Indeed, *Doctor*, you are very Diver-ting.

Dr. Hig. But my strongest Argument is still behind, which you will find p. 104.
“ That *Oliver's Acts* Sunk of themselves
“ without a Repeal.

Hoad. So did the *Acts* of *Hen. VI.* af-ter he had Dispossessed *Edw. IV.* and are not put in our *Statute Book*. Ther are none there after his 39th Year.

Dr. Hig. But why did any of the *Acts* of Kings *de Facto* Stand? For this is my whole Foundation why these Kings *de Facto* were likewise *de Jure*, because their *Acts* were Suffered to stand in the Reigns of Kings *de Jure*.

(28.) *Hoad.* But did the *Acts* of Par-liament in the Reigns of Kings *de Jure* own these Kings *de Facto* to be likewise *de Jure*?

Dr. Hig. No. As I have fully shewed, p. 75. They were always called Kings *in Deed and not of Right*. But I have Proved by the Consequence of their *Acts* being Suffered to stand, that they were
of

of Right, and so owned by the Kings de Jure.

Hoad. What? Against their own Express Words, that they were *not of Right*!

Dr. Hig. Yes, By the Consequence of letting their *Laws* stand.

Hoad. I love a Man that would Disprove *Fact* by *Consequences*! But did Kings *de Jure* Confirm any of the *Acts* of Kings *de Facto*, as not having Sufficient Authority?

Dr. Hig. Yes, The Title of the *Act* 1 *Edw. IV.* is, *Which Acts done by the three Henrys should continue good, and which not.* And the *Act* calls them *Pretended Kings, and not of Right.* And *Confirms* such *Acts* as was thought fitting, to be of *like Force and Effect as if made by any King Lawfully Reigning, and Obtaining the Crown by Just Title.* Thus the *Natural Born Subject* Quotes this *Act* against me, p. 40. But I have got a *Distinction* for him, and say, p. 70. That these *Acts* *Confirmed* were not *Publick Acts*, only a few *Private Acts* which were *Confirmed* for *private Reasons*.

Hoad. So *Private*, Doctor, that I believe you do not know them. And it is hard to Guess any other Reason, but that they wanted Sufficient Authority before. But can you give an Instance of any *Act* of Parliament under a *de Jure King* that was

Confirmed for want of Sufficient Authority?
For here the Cause seems to Pinch.

(29.) Dr. *Hig.* The *N. B.* Pinches me with this. And I have got an *Instance* for him, p. 70. *viz.* "The *Acts* made 12 "Car. II. because that *Parliament* was not "called by the King's *Wrts*, were all "Enumerated and *Confirmed* in an *Act* "passed 13 Car. II. chap. 7.

Hoad. This was to Remedy an Essential Defect in that *Parliament*. Not for any Doubt in the *Right* of the *King*, which was the Point betwixt you and *N. B.* And the Reason given for *Confirming* the *Acts* of *Usurpers*. Your Dispute was about the *Right* of the *Prince*, not the *Constitution* of a *Parliament*. You were Merry, Doctor, when you Wrote this. It was too severe a *Satyr* upon an Old *Bird*, to think to Catch him with such *Chaff*. And you needed not have so Insulted him upon it as to say, "The *Natural Born Subject*, "with great Assurance, asks me, *Can you* "give one single *Instance* out of all our *Re-* "cords of any *Act* of *Parliament* made by a "Rightful *King* that ever was *Confirmed* "for *Wrnt* of *sufficient Authority*? Here's "one *Instance* for him, and a Famous "one; and he may find another 13 Car. ii. "chap. 13." Thus you, Sir. But you should have Quoted the Place, it is. *p. 49.*
of

of N. B. where it is Plain that by, *Want of sufficient Authority*, he meant, of *sufficient Authority* in the *Prince*, and he Explains what he means by that, *viz.* That he be a King *de Jure*, and not only *de Facto*. For the very next Words to what you Quote are these, “ This shews you the *Difference*. And the whole Dispute shews that ther was a *Difference* made betwixt *de Jure* and *de Facto*. Were any *Judicial Proceedings* in the Reigns of Kings *de Jure* ever *Confirmed*, or Titles of Honour granted by them, or any other *Regal Act*? Here the Cause Pinches. And till you can shew this, you cannot say, as you do p. 8. and p. 23. That Kings *de Jure* own the Authority of Kings *de Facto* in as Ample a Manner as of Kings *de Jure*, and of Equal Authority with Themselves, or any of their Progenitors of *undoubted Right*. How can this be said? When we see that Kings *de Jure* have *Annulled* some, and *Confirmed* other *Acts* of Kings *de Facto*, but never either of these was done to any *Act* of a King *de Jure*.” These are his Words. And if you had Quoted them, or Named the *Page* where the Reader might have Easily found it, I believe ther is not another Man of Sense in *Britain*, besides your self, could have Mistaken his Meaning! So that N. B. still calls for an

Instance

Instance of any *Act* of a King *de Jure*, that was *Confirmed* afterwards for want of *Sufficient Authority* in the *Prince*, or for his not being a King *de Jure*. And your Famous *Instance* of King *Char. II.* is *Instantia Famosa* indeed in the present Case, that is, Nothing at all to the Purpose. And for the other *Instance* you Name, but do not tell, of *13 Car. II. chap. 13.* look it who will (for I have not the *Statute Book* by me) *N. B.* Ventures, with the great *Affurance* you Represent him, to put the Issue upon it, That ther is no *Confirmation* there of any *Act* of that King, for want of a *Right Title* in the *King*. If it be for any other *Defect*, it concerns not our present *Dispute*. And if it had been to your Purpose, I believe you would not have Grudged to tell us what it was.

Dr. *Hig.* I was but Playing with him, to see if he would take Notice of such a Slip — But I still Insist, that Kings *de Jure* Suffering the *Laws* of Kings *de Facto* to stand, does Imply that they owned the *Legislative Authority* of such Kings *de Facto*, and Consequently that they were *de Jure*.

(30.) *Hoad.* To prevent which *Consequence* or *Implication*, they tell exprely that they were not *de Jure*, and that they did

did not own them as such. But you will not believe them, nor their *Acts of Parliament* so Declaring! And they might have had Reasons for letting the *Laws* of *de Facto* Kings stand, which we do not know. But Two are Obvious, either where a *Compromise* was made with Him in Possession, or where it might redound to the Dishonour of the King *de Jure* or his *Family*. Now let us see what Occasions there have been since the Conquest for Kings *de Jure* to *Vacate* or *Confirm* the *Acts* of *Usurpers*. I can find but Two, that of King *Stephen* and *Hen. II.* and that of *Tork* and *Lancaster*. And in both these there was a *Compromise* made, which is at least an Implicit *Confirmation* of the *Laws* made during the *Usurpation*. Though we find that some particular *Laws* were expressly *Confirmed*. But the Right of these Kings *de Facto* is as expressly Denied in the *Acts* of the Kings *de Jure*. There has been but One Occasion more of this Nature, from that Time to this, which was the *Restoration* of King *Char. II.* as to the *Laws* made during the *Usurpation* (as you are forced to call it) First of the *Commonwealth* of *England*, which began in 1649, Then of *Oliver* the *Protector* set up in 1653, Succeeded by his Son *Richard* in 1658. And so on to the Year 1660. But there was no *Compromise* made with them

these *Usurpers*, therefore their Publicks *Acts* for the Common Good of the *Subject* were *Confirmed*, and the Rest Fell.

(31.) But it is to be Observed that None of these *Confirmations* were Understood to Extend to any thing that tended to the *Disherison* of the *Crown*. Therefore *Hen. II.* Recalled the *Crown Lands* which were Granted away by King *Stephen*, with this Reason, *That the Charts of an Invader ought not to Prejudice a Lawful Prince*, as *N. B.* p. 37. has Quoted from *Dr. Brady.*

Dr. Hig. I have Answered that in my *Defence*, p. 55. "That in the Ancient Oath,
" taken by the Kings of *England* at their
" Coronation, the King Swears, *That he*
" *shall keep all the Lands, Honours, and Di-*
" *gnities, righteous and free of the Crown of*
" *England, in all manner Holy without any*
" *manner of Minishments, and the Rights of*
" *the Crown, Hurt, Decay, or Loss, to his*
" *Power shall call again into the ancient E-*
" *state. &c.*" And this, say I, p. 56.
" May serve for an Answer to what is
" Urged by the *Natural Born Subject*, con-
" cerning *Hen. II.* Revocation of King
" *Stephen's Grants of Crown Lands.*"

Hoad. It will serve for more than that. Even for the *Revocation* of the *Crown Lands* granted ever since, and all those *Rights of the Crown*, which *Kings* have *Parted with*,
to

to be Called back again into the ancient Estate. Here will be a large Field for Revocations. For all the Lands of England did once belong to the Crown, and are still Held of it. And the Power of Parliaments will, by this Rule, be Called back again into the ancient Estate. And what then will become of all our Liberties and Properties? Can a King's Oath Dissolve Acts of Parliament? This is beyond any of the High-Flyers.

Now, Doctor, what do you think of your self? Will you Stand by all this, rather than Part with your Hypothesis? Rather than let N. B. (whom you so much Despise) carry away the Victory from you? It is better to Recall the Grants only of Usurers, as Hen. II. did, than, with you, to Recall the Grants of all our Kings; besides making them Perjured into the Bargain.

There is another Instance to shew it was the Notion of those Times, That upon a Compromise the Laws of the Usurers should stand, except those that were made to the Prejudice or Disherison of the Crown and Lineal Succession. For this N. B. sends you to Dr. Brady's History of the Succession of the Crown &c. which you will find, p. 385. of his Introduction to the Old English History. When Richard Duke of York put in his Claim to the Crown by Proximity of Blood, against Hen. VI. the

then *Possessour*, it was Objected to the *Duke*, that there were *Acts* of *Parliament* which *Entayled* the *Crown* to the *Heirs* of *Hen. IV.* And that the said *Acts* were of *Authority* to *Defete* any manner of *Title* made to any *Person*. To which the *Duke's* *Answer* was in these *Words*,

“ That in trauth there been no such
“ *Acts* and *Tayles* made by eny *Parliament*
“ heretofore, as is surmised, but oonly in the
“ Seventh yere of King *Henry the Fourth*,
“ a certain *Act* and *Ordinance* was made
“ in a *Parliament* by him *Called*, where-
“ in he made the *Reaums of Englonnd and*
“ *France*, amongst other, to be unto him,
“ and to the *Heires* of his *Body* coming, and
“ to his four *Sons*, and to the *Heires* of their
“ *Body* coming, in *Manner* and *fourme* as it
“ appereth in the same *Act*. And if he
“ might have *Obteyned* and *rejoised* the
“ *Corones &c.* by *Title* of *Inheritance*, *Discent*,
“ or *Succession*, he neither needed or would
“ have desired or *Maid* thaim to be
“ Granted to him such *wyse* as be by the
“ said *Act*, which tacketh noo place, nei-
“ ther is of eny force or effect ayenst him
“ that is right *Inheriter* of the said *Coro-
“ nes*, as it accordeth with *Gods Lawe*,
“ and all *Natural Lawes*; howe it be that
“ all other *Acts* and *Ordinances* made in
“ the *seyd Parliament Sithen*, been good
“ and sufficient ayenst all other *Per-
“ sons.* And

And pursuant to this the *Compromise* was made, and Confirmed by *Act of Parliament*; which you may see *Rot. Parl.* 39 *Hen. VI.* wherein are these Words relating to the *Acts of Parliament* and *Judicial Proceedings* during the Reigns of the three *Henries*, except what Related to the *Succession of the Crown*.

“ And furthermore the King Ordaineth
“ granteth and Stablisheth by the seid ad-
“ vis and Authoritee that all Statutes Or-
“ denances and Acts of Parlement —
“ by the which —— The Heires of the
“ Bodie of K. Harry the fifte comeing were,
“ or be Enheritable to the seid *Corones*
“ and *Reames* — be Adnulled Repelled
“ Revoked Dampned Cancelled Void and
“ of Noo force or effecte &c. And over
“ this the King by the seid Advis Assent
“ and Autoritee Wolle Ordeyneth Establi-
“ sheth that all other A&ts and Statutes
“ made afore this tyme by Autoritee of eny
“ Parlement not Repelled or Adnulled by
“ like Autoritee or otherwise voide be in
“ such force effect and vertue as they
“ were afore the makeing of this Orde-
“ nance. And that noo Letters Patents
“ Royalx of Record nor acts Judicial
“ made or doon afore this tyme not Re-
“ pelled Reversed ne otherwise void by
“ the Lawe be prejudiced or hurt by this
“ present Acte. Soe alwey if there can-
“ not

“ not hereafter be alleged and proved a
“ more better and Sufficient Tytle to the
“ defeteing of this same A^ct.

This *Compromise* was afterwards broken by *Hen. VI.* and *Richard Duke of York* was Slain in Battle. And therefore his Son *Edw. IV.* might not think himself Obliged to stand to this *Compromise* further than he thought fit, and this may be a Reason of that *Act* i *Edw. IV.* to Determine which of the *Laws* of the Three *Henries* should stand and which not. However it cannot be said that the *Laws* of the Three *Henries* did Stand meerly upon their own *Authority*, without any *Allowance* or even *Presumptive Consent* of the Lawful *Heirs*; which you so much *Ridicule*, and make perfectly Needless. And say; That the *Laws* of *Usurpers* made with *Consent* of the *States*, are *Valid* of themselves, and have *Authority* to Alter the *Succession* of the *Crown*, and quite *Extinguish* the *Right* of the Dispossed *Prince* and his *Heirs*.

But the *Parliament* of *Hen. VI.* was of another Mind, who thought a *Compromise* Necessary to Confirm their *Laws*; and notwithstanding the long *Possession* of *Hen. VI.* and his full *Recognition* by *Parliament*, and the *Crown* being *Entailed* upon him by *Act* of *Parliament*, yet Declared that the *Right* of the true *Heir* by *Proximity* of *Blood*, could not be *Defeated*. I know you
are

are Angry at this *Parliament*, for doing this, and so am I too. Ther were *High-Flyers* in those Days, and they are alike Offensive to *You and Me*.

The Lords further Objected in these Words, " It is thought that the Lord of this Lond, must needs call to their Remembrance the great *Oaths* the which they have made to the King, the which may be leyd to the said *Duc of York*; and that the Lords may not break their Oaths.

The *Duke's* Answer was this, " That no Oath being the Lawe of Man ought to be performed, when the same leadeth to Suppression of Truth and Right, which is against the Lawe of God.

This was the Doctrine of those Times. And it Prevailed so far, that the *Compromise* before mentioned was made; in which the *Acts* of *Hen. VI.* to that Time stood Good. But when *Hen. VI.* had broke this *Compromiss*, and Expelled *Edw. IV.* tho' he lived *Ten or Twelve Years* afterwards, none of the *Acts* of *Parliament* made by him from that Time were thought *Valid*, but fell of themselves, and have no Place in our *Statute-Book*, as the *Acts* of the *Commonwealth*, or of *Oliver* have not. But if a *Compromise* had been made betwixt King *Char. II.* and these *Usurpers*, and the King Restored upon that Foot, perhaps their

Acts might have been suffered to stand, except those that were for the *Disherison* of the *Crown*. Yet would it not have followed, that King *Charles* had Recognized their *Right* as *Legislators*; especially if he had openly Declared that they were not *de Jure*, tho' they had *de Facto* exercised the *Supreme* and *Legislative* Authority, as *Edw. IV.* did Declare. But you would Prove that he did own them to be *de Jure*, tho' he Declared he did not! Your *Undertaking* is *Magnanimous*!

But, Sir, N. B. Objected to you the *Commonwealth* of *England*, as well as *Oliver the Protector*; and you take no Notice but only of the latter, and put him off because he did not take the Title of *King*. Will that do for the *Commonwealth* that was before him? Or is not a *Commonwealth* a *Government*? And has it not a *Legislative* Authority? Are they to be laid aside too, because they did not take the Title of *King*?

Or were they not a *Commonwealth*, because not Recognized by the *Lords Spiritual* and *Temporal*? Is not *Holland* now a *Commonwealth* for the same Reason? And this is all the Reason you give against the *Protectorship* of *Oliver*. King *Char. I.* passed an *Act* of *Parliament* for Excluding the *Bishops* out of the *House of Lords* in *England*, and he Abolished *Episcopacy* it self in

in Scotland. Was the Government therefore Dissolved? What do you make of these Estates? They are Part of our Constitution now it is true. But the Constitution may Alter the Constitution. We own no Fundamental Constitution but the Power of the People. That alone is Unalterable with us. When you was a *High-Flyer* you put it in the *Crown*. But now you are Come over to us, and own no *Right* to the *Crown* but what is *Parliamentary*; you have made your *de Facto Hypothesis* Stoop to that. For you own *Oliver* was *de Facto*, but Object only that it was not Regularly *Parliamentary*, in the *Common Course*, as our late Happy *Revolution* was not, nor could be. You will Dissolve all *Governments* in the World at this Rate, for ther never was any *Revolution* in the World exactly by *Rules* before set down. But when things are come to a *Settlement*, then to *Submit*, I thought had been the Notion of your *de Factohip*. But you have Jumbled all again, by Requiring us to look back, and Examine all the *Steps* by which it was brought about. And this is come upon you, from your thinking your self Obliged at present to Disown our *Oliver*, because it is not *Popular*. Whom yet you must own to have been *Rightful* and *Lawsful* in his Turn, or else Quite give up your *Hypothesis*. And if you will still Stick to it, Remember I

tell you, you will, you must Join with every *Oliver* that shall Arise, and have the same *Success* as he had. For by Quitting your *Jure Divino*, and *Kings* having their Power from God, you have left your self no Ground to stand upon but the Power of the *People*, whose *Voice* you must henceforth own to be the *Voice of God*! You have Commenced a true blew Honest Dr. *Whigg*. I Congratulate your *Conversion*. Give me your Hand. Henceforth you and I are One. And *Higden* and *Hoadly* shall be Convertible Terms.

(32.) Dr. *Hig*. Not so fast, Sir, — You are for *Resistance*, and I utterly Abhorr it. How then can we be One?

Hoad. Very good Friends for all that — I countenance *Resistance*, and you *Justify* it if it *Succeeds*. And what great Matter of Difference is here? You the *Receiver*, and I the *Thief*. We both Agree to share the *Plunder*. Are we not then of a *Piece*, and of the same *Party*?

Dr. *Hig*. What you *Get*, I will *Keep*. I have been long enough on the *Losing Side*. But I have *Sworn* to do so no more. For I have henceforward subscribed my self the *Humble Servant of Events*. And they shall never be *Against* me, because I will be always *For them*.

And

And p. 111. I have laid down a Maxim will secure me in all this, viz. *Protectio trahit Subjectionem, et Subiectio trahit Protectionem*, which, I say, "being Understood "as it ought to be, of the Protection of a "King, is of it self Sufficient to determine "the Sense of the 25 Edw. III. and to "put an End to the whole Controversy.

Hoad. That is, we owe Subjection to a King no longer than till He either Will not, or cannot Protect us. And the Statute of Treasons is to be Understood only of a King who gives us Protection. But how then can you Condemn the Regicides?

Dr. Hig. O, I clear that Point absolutely, p. 118. where I Quote the Lord Chief Baron Bridgeman's Words to Cook the Regicide, viz. King Charles was owned by these Men and you as King, you Charged him as King, and you Sentenced him as King, you Proceeded against him as King, and as yet King, &c.

Hoad. That is who had yet the Name of King, as we say, once a Captain, and ever a Captain, though his Commission be taken from him. But by your Maxim, as you Understand it, ther could be no Treason then Committed against him, within the Purview of the 25 Edw. III. because he was not then Able to give Protection to any One, nor to Himself. And

it is Protection only that draws our Obedience, as you say.

But the Remarker Quotes Moor's Reports against you, where it is said, " That Allegiance follows the Natural Person of the King, for if the King is by force driven out of his Kingdom, and another Usurps; notwithstanding this the Allegiance of the Subject does not Cease, though the Law does.

Dr. Hig. I pay the Remarker off for this, p. 109. And Ridicule his Natural Person of the King, as if say I, a King de Facto had not a Natural Person.

Hoad. This was really very Ingenious! I believe the Remarker never Dreamt of such a Distinction as this!

Dr. Hig. That was only to shew my Wit! But I come upon him in good earnest for the Ceasing of the Law, and shew that the Law did not Cease under Kings de Facto.

Hoad. No, nor under Oliver, except what Related to the King, and the Right of the Crown. The same Laws were Pleaded as before. And these Usurpers said, That they made no Alteration of the Law, only as to some Circumstantial things in the Manner of the Administration, which the People mended for the Better.

Dr.

Dr. *Hig.* This *Oliver* comes Athwart me every Turn. You make him Parallel in every thing to my Kings *de Facto*.

Hoad. Had not you better come over to us Intirely, and Justifie the good *Commonwealth of England*, and *Oliver*, and the *Rump*, and all as we do, upon the Foot of the Power of the *People*? You Argue for the *Principle*, and yet are Afraid to Own the *Consequences*.

Dr. *Hig.* It is not Time of Day yet. But the *Time* may Come, and there may Come a *Time* —

Hoad. Be not so Angry at *Oliver*. For he stands not a bit more in your Way, than the *Parliamene* 39 *Hen. VI.* and 1 *Edw. IV.*

Dr. *Hig.* O, I have got over these Cleverly, for I say in my *View*, p. 57. “ That “ this *Declaration* of the 39 *Hen. VI.* as “ well as the *Acts* of the 1 *Edw. IV.* “ were Repealed and Annulled by the *Act* “ of Parliament, when *Henry VI.* Reco-“ vered his Throne. ”

Hoad. You might have Added, That *Edw. IV.* was then likewise *Attainted*, and *He*, and his *Heirs* for ever Excluded by *Act* of Parliament from Succeeding to the *Crown of England*. But all this makes against you. For he did *Succeed* notwithstanding, and all these *Acts* were reckoned *Null* and *Void* in themselves, as being

made by an *Usurper*, after that *Hen. VI.* had Dispossessed *Edw. IV.* And therefore are not look'd upon as *Laws*, nor put among our *Statutes*, and the *Act of Parliament* in *Edw. IV.* stands still Good notwithstanding this *Repeal*.

Dr. Hig. I see not why *Hen. VI.* was not an *Usurper* as much before the *Compromise* made with *Richard Duke of York* as afterwards. This seems to be an *Humour* in those Times, and serves our *Non-jurors* to *Brangle* and *Perplex* the *Cause*.

Hoad. Give me leave, Sir, to say a word in behalf of these *Non-jurors*, though I love them Almost as little as you do. *Hen. VI.* did not *Usurp* the *Crown*, but Succeeded to his *Father* and *Grand-father* who both Possessed it. And *Richard Duke of York*, the Next *Heir* of that *House*, had Submitted, owned him as his *Sovereign*, Received *Commissions* from him, and Swore *Allegiance* to him. What Reason then had the most Rigid *Royalist* to set up the *Claim* of the Right *Heir*, till he thought fit to do it Himself? But after He did set it up, then He found Friends to Assert his *Right*, and even the *Parliament* Declared that his *Title* could not be *Defeated*, though ther was an *Act* of *Parliament* which had Entayled the *Crown* upon the *Heirs* of the *House of Lancaster*.

Dr. *Hig.* I know not what *Notions* they had in those Days. But we know Better things now.

(33.) *Hoad.* But what then becomes of your *Common Usage*, which you make your whole *Foundation*? You begin with it in your *Preface*, p. 1. "That it has been the " *Common Usage* of the *Realm*, after *Revolutions* to *Submit* to the *Princes* that " were *Possessed* of the *Throne* with the " *Consent* of the *States*." This is all you Pretend to Prove. And you might have Saved your whole Pains, till you had found somebody who Denyed it. It was the *Common Usage*, and could not be otherwise, else there could never have been any *Revolution*. And the *States* as well as others must *Submit*, before the *Revolution* could be Perfected. But then *Common Usage* will go for one *Revolution* as well as another. And there have been *Anti-Revolution*s. When you come to be a Right *Whigg*, you will Despise this Argument of *Common Usage*, for it has always gone on the side of *Wickedness* and *Vice*, more than of *Vertue* and *Truth*. What *Iniquity* may not be Justified by *Common Usage*?

(34.) Dr. *Hig.* That is all the *Rule* I know for *Government*. For as I say in my *Preface*

Preface, p. 6. " Could it be Proved that
" a particular Model of Government and
" Rule of Succession to it, had been In-
" stituted of God, as a Law to Mankind,
" I should think my self not only Obli-
" ged to Submit to it, but Obliged to Sub-
" mit to no other."

Hoad. Now you go beyond the *Remar-
ker*, the *N. B.* and all the *High-Flying, Tan-
tivy, Jure-Divino-Men* that ever I heard
of. You will Always be Running from
one *Extreme* to another. You have no *Moder-
ation* in you. For though these say,
That *Government* was first *Instituted* of
God, and if *Government*, then sure some
Particular Model or other of it, for ther
can be no *Government* but in some *Model* ;
And that this *Model* was a *Law* to *Man-
kind*, who Could not Alter the *Institution*
of God ; That this *Model* was *Monarchy*,
for that ther was no other *Model* in the
world for many *Thousand* years after the
Creation ; And that the *Succession* of this
Model was *Established* in the *Primogeniture*
Yet after all this they say, That when
this *Model* is *Broken*, either by the *Usur-
pation* of one *King* upon another, or by
quite *Altering* the *Model* into that of a
Common-wealth of whatever sort ; yet that
from the *Necessity* of *Government* ; and the
Obligation God has laid upon Us of Sub-
mitting to it, We ought to Submit to
such

such a *Government*, where ther is no *Com-
petition* as to *Right*, for that the *Possessor*
has the *Right* against all who *Claim* not
by a Better *Right*. Therefore your say-
ing, That if *God* appointed a *Model* at
first, you would think your self *Obliged* to
Submit to no other, is *Out-Flying* all the
High-Flyers in the *World*!

But if this be your Mind, good Sir,
help me against the *Reherasal* who has
Persecuted me upon this Point, and Pre-
tends to shew the *Institution* of *Govern-
ment* in *Adam*, and the *Deduction* of it all
along from that Time. In answer to
whom I have been forced to write a
Huge Long Book against the *Patriarchal
Scheme*, and p. 148. to Suppose that *Adam*
might have been an *Usurper*, that is, up-
on the Original *Rights* and *Liberties* of the
People. And you are *Obliged* to Help me
in this *Cafe*, otherwise your *Scheme*, as
well as mine, will come to the *Ground*.

Dr. *Hig.* You should not have minded
him, as I served *N. B.* He brought sev-
eral Instances out of *Scripture* to Puzzle
me, as of *David* and *Absalom*, *Joash* and
Athaliah, which would have quite Ruined
my *de Facto Scheme*. But I was even
with him, for I put in the *Contents* of my-
Chap. vii. That my *Scheme* was not *Con-
trary* to the *Holy Scriptures*, which will do
well enough with the Generality of *Rea-
ders*,

ders, who satisfie themselves with the *Contents*, and suppose all that is there is Proved; especially from a Man of my Exactness. But I doubt not *N. B.* has been Peeping into that *Chapter*. And there I have Catched him, for there is not One Single Word as to these his *Objections*. I have sent him on an *April Errand*!

(35.) And to stop his Mouth, I cry W—r first. I tell him in my *Preface*, p. 10, 11. That I deal little with him, because he *Wanders so long from the Question, and sometimes loses sight of it for many Pages together*. By this I mean his Discourse about the *Constitution*, which employs the first *Section* of his Book, Shewing what the *Constitution* is, how it was formerly, and how it has Varyed from time to time in its *Current, Custom, and Usage*, to what it is at this Day, and which is the *Original, the Fountain, and Unalterable CONSTITUTION*.

Hoad. Was this *Wandering from the Question*? You called your Book a *View of the English Constitution*, and your whole Argument runs upon the *Constitution*, yet you no where tell us what it is, but suppose it to be indeed, *you know not what*. Therefore his Method was Right, and keeping the *Question Close in Sight* all the Way. I believe you thought it too *Close*, and found

found no other way to *Answer* it, but this slight *Put off*. And I must tell you that Every body Saw through this wilful *Defect* of yours, to *Divert* and *Amuse* us with *Constitution, Constitution*; but never to enter into the Point, whence it came, or what *Certain* thing it was. For as to the *Derivative Power* of Either, or Both *Houses of Parliament*, it has *varied* greatly, and is not now the same it was in Former Times. And therefore your telling long Stories of the *Custom* and *Usage* of *Parliaments* in Old Times (which Prove all against you, as it has happened) is indeed *losing Sight* of the *Question*, and not for *some Pages together*, but it is the *Whole* of your *Book*, which *Wanders* all the Way from the Point. For what is it to us what was done long ago, if it be not Agreeable to our *Laws* and *Constitution* Now? And whoever would make the *Custom* and *Usage* then a *Standard* for what is to be done Now, would run himself into many *Inconveniences*, perhaps into *Treason*. Therefore there is no way but to come to the *Original Constitution* which *Altereth not*. We place it, next under *God*, in the *People*; Others (as you once) in the *Prince*. To which if you itill *Adhere*, there is an End of all you have said. But if you make the *Parliament* a *Power Superior* to, or *Co-Ordinate* with the *King*, that he is

no *King* without their Consent, as you do now in your *Defence*, then you cannot stop short of the Power of the *People*. You have no other *Landing-place*. And if you had Begun there, how much Easier had your Labour been? You might have said with us, That the *People* might make what *Alterations* they pleased in any Branch of the Inferior *Constitution* which was *Derived* from them. And there had been an End of the whole Matter. I mind you of this more than Once, because it is *True*, and is the *Jugulum Causæ*.

Dr. *Hig.* I see it well enough. But I will no more Answer you, than I did *N. F.* I will not be brought to say in Plain Words, That all *Government* is Founded upon the Power of the *People*. For that *Cause* has been so *Baffled* and *Exposed* in your Hands, that no Man of Sense will ever Insist upon it any more. And besides, it would Disoblige my New *Friends*. But I have owned it in *Consequence*, and built all my *Arguments* upon that *Supposition*. Therefore I think you *Whiggs* ought to be Contented, and let me go on my own Way, since you see it is all in Favour of your *Principles*, and that I Incline more and more towards you every Book I Write.

(36.) *Hoad.* But what do you say to the Many that were *Attainted* for Fighting for the King *de Facto* against the King *de Jure*?

Dr. Hig. I say, it was only by *Attainders*.

Hoad. And is not that Enough? Would *Parliaments* *Attaint* Men Wrongfully? And does not this Shew the Sense of *Parliaments*? But *N. B.* told you of *Several Persons* were put to Death for this without *Attainders*.

Dr. Hig. I answer that in my *Defence*, p. 83, 84. I say, p. 84. " That he says " true, but trifles at the same time, for " that the other Ways of putting Men to " Death, is still a more violent Course " than *Attainders* themselves.

Hoad. Is not an *Attainder* as *Violent* a Way as any? But was the Dispute about the *Violence* of the Way? This is Turning the Question.

Dr. Hig. I use that frequently. But I say in the next Words, " If he means " the Duke of *Somerset* and the rest were " put to Death upon a Sentence after a " Conviction by a *Jury*, in the Ordinary " Course of Proceedings by *Indictment*---

Hoad. Do you not know, That *Peers* are not Tryed by *Juries*? *N. B.* told you, p. 95. That the Duke of *Monmouth* was *Attainted*. But he asks you, Whether that

that be any Argument that he Could not have been Tryed in the Ordinary Course?

Dr. Hig. A Fool may ask more Questions than a Wise Man can Answer. But I tell him, p. 85. of a *High Constable*, and *Earl Marshal* at the *Tryal* of the Duke of *Sommerset*.

Hoad. This looks liker a *Tryal* by *Peers* than an *Ordinary Court Marshal*. I know not that a *High Constable* is used in *Courts Marshal*, he is an *Officer of State*.

But *Attainders* by *Parliament* shew the Sense of the Nation and of the *Legislature*, more than *Ordinary Tryals* by *Juries*. And not only those that Fought for Kings *de Facto*, but the *de Facto* Kings themselves have been *Attainted*, as *Usurpers* and *Traitors*. N. B. p. 61.

Dr. Hig. I say, p. 83. *That some of these Attainders were no more to be drawn into Consequence, than those Executions.*

Hoad. This is finding Fault with *Acts of Parliament*. Take *Some*, and Leaving *Others*, as you think fit. This is setting up your self as a *Judge* over *Parliaments*. And what then becomes of your whole *Scheme*? What *Rule of Law* is ther? Or what *Foundation* do you Stand upon?

Dr. Hig: I quote an *Act of Parliament*, p. 81. Damning a former *Act of Parliament* as being, *Against all Righteousness, Honour; Nature, and Duty, an Inordinate Sedition;*

ticus, and Slanderous Act. This was an Act Attainting King Hen. VI. after he had been Expelled by Edw. IV.

Hoad. But however Free Parliaments may make with one another, it does not become you nor me, Sir, to put our selves upon the Level with them, and Question Acts of Parliament. They are the Supreme Law of the Land. And you Quote them Vigorously when you think they make for your Scheme, and Reject their Authority with Contempt, when they make against you. Then they were Overruled; or they were in a Heat; they were not Rightly Called; or something was Defective in their Constitution, some Attainted Persons sat among them, or some who had not Qualified themselves according to Law. But all this is Overlooked when the Cause pleases you, and you are for *de Facto* Parliaments, as well as Kings.

Dr. Hig. So was our Saviour, when He commanded Subjection to the Roman Government, which was Elective, and only *de Facto*.

Hoad. This will not do against N. B. for he owns *de Facto* to be *de Jure* too; when ther is no Competitor who Claims by a better Right. Besides he observes that neither our Saviour nor any of the Apostles ever Named the Senate, which was then

then a Part of the *Constitution*, but Command *Obedience* only to the *King*.

(37.) Dr. *Hiz.* But I quite Rout him, p. 138. where I say, " I cannot but, by " the way, take Notice, that the Com- " mand of our Blessed Saviour to the Jews, " to be Subject to the *Roman* Monarchy, " which was Elective, is an *Invincible Ar-* " gument against those who Maintain that " which is called the *Patriarchal Scheme* " of Government to be of Divine Institu- " tion, and Obligatory to all Mankind: " For had it been so, our Saviour with- " out doubt, when the Question was put " to Him about the *Roman* Government, " and the Lawfulness of Submission to it, " would have recalled his Hearers to the " Divine Original Institution, and told " them, that *from the beginning it was not* " *so*, that the Government under which " they lived was a Deviation from the " Divine Institution: As when the Case " of *Divorce* was put to Him, notwith- " standing the general Practice both of " Jews and Gentiles, He reduced Man- " kind from the Deviation to the Divine " Original Institution of Marriage. But " so far was our Blessed Saviour from de- " livering any such Doctrine, that He " commands Subjection to the *Roman* " Emperour,

“Emperour, and Acknowledges his Authority was from God. *Joh. xix. 11.*

Hoad. Then *N. B.* will say, not from the *People*. But he has a Fetch will save his *Patriarchal Scheme* from this *Invincible Argument* of Yours. For you unwarily put it upon the *Authority* of the *Emperour*, without adding, by *Consent* of the *three Estates*. But may be you think that is a *Law* only for *England*! And you call it the *Roman Monarchy*. Which he makes the *Original Government*. So all this comes in to Him. Then again his *Principle* that *Possession* gives *Right*, where none *Claims* a Better *Right*, makes that *Roman Emperour* a True and Lawful *King*; for you Confess that *Monarchy* was not *Hereditary* but *Elective*.

Dr. Hig. But *Elective* being a *Deviation* from the *Original Institution*, according to him, I say, Our *Saviour* would have *Recalled his Hearers to the Original Constitution*; and told them, *That the Government under which they lived was a Deviation from it*. As he did in the *Case of Marriage*, upon the *Question of Divorce* put to Him.

Hoad. That *Question* was not, whether a *Wife* should put away her *Husband* for every *Cause*, but whether a *Husband* should put away his *Wife*? For you must know he is so *Strict* upon the *Point of Obedience to Superiors* of all sorts as thinking

it the *Institution* of God, that he says, God has no where given *Inferiours* Authority to *Correct* or *Punish* their *Superiours* for the *Groflest Crimes*. Thus in *Case of Idolatry*, the *Father* was to Kill his *Son*, and the *Husband* his *Wife*. *Deut. xiii. 6.* But the *Son* was not to *Rise up* against his *Father*, nor the *Wife* against her *Husband*, no, not to bear *Witness* against them. Thus *Kings* were to *Punish* their *Subjects* for *Idolatry*, or other *Crimes*; but not *Subjects*, their *Kings*. And the *Hearers* of *Christ* to whom He then Spoke, being the *Subjects* of the Roman *Emperour*; and the *Duty* of *Subjects* being (according *N. B*'s *Scheme*) only to *Obey*, not to *Set up* or *Set aside* their *Kings*, Consequently he says, That *Christ* did not *Recall them* to the *Original Institution* of *Hereditary* instead of *Elective*, because it was not *Their Part* to do it, and it would have been *Rebellion* in *Them*. It would be *Usurping* an *Authority* which God never gave them. So that this is no *Answer* to *N. B*. But he thinks it an *Invincible Argument* on the other Side, against the *Power* of the *People*, that God has not given them *Authority* to *Correct* even *Abuses* in the *Government*, or *Deviations* from the *Original Institution*.

A *Bastard* is a *Deviation* from the *Original Institution* of *Marriage*. Yet he is a *Man*, and has *Right* to his *Life*. So *N. B*, thinks

thinks Elective Governments, and Commonwealths to be Unlawfully Begotten, yet that they are Governments, and Lawful too, where ther is no Claimer against them who has a Better Right.

This N. B. Objected before, and you have yet found no Answer to him more than my self. However, Sir, I return you my Thanks for this your Endeavour, tho' Fruitless, against the Patriarchal Scheme. We are Both undone, if That prevails.

(38.) Dr. Hig. If we cannot Prevail against him by Argument, let us Hew him down by Contempt and Despising him. Thus I treat him, p. 158. where I say of him, *I believe he has no better than ALMANACK Authority*, for what he says. This renders him so Little, that none will give heed to what comes from such an Author.

Hoad. Why? Did he Quote any thing from the Almanack?

Dr. Hig. No. But he saying, p. 36. that Hen. I. Married the Heires of the Saxon Line, and the Oxford Almanack and some others, in the Chronological Table of our Kings, putting here this Note, *The Saxon Line Restored*, I infer that he had no other than Almanack Authority for this.

Hoad. Was not the Saxon Line then Restored?

Dr. *Hig.* Yes. *Maud* the Wife of *Hen. I.* was of the *Saxon* Line, but I shew that she had Three Brothers successively Kings of *Scotland*.

Hoad. But did they *Claim* the *Crown* of *England*? Otherwise *N. B.* is not Hurt by this, for you know he lays his Stress upon the *Claim*. None being Obliged to Assert a *Right* that is not *Claimed*. And her Brothers not *Claiming*, she might be Called the *Heiress* of the *Saxon* Line to the *Crown* of *England*. And if the Kings of *Scotland* her Brothers had *Claimed*, she was still of the *Saxon* Line, and all you can say, is, That the *English* had got it by the wrong End. So that I see little *Cause* of your *Triumph* here.

Dr. *Hig.* I shew another Mistake of his, p. 156. where Speaking of the *Compromise* betwixt *William II.* and his Brother *Robert*, he says, that *Robert* was to have had the *Crown* after his Brother *William's* Death. But I prove that *William's* Sons were Included, if he should have any.

Hoad. This can hardly be called an *Omission*. For the Business of *N. B.* there was only to shew that ther was a *Compromise*, by which *Robert* had a Hazard for the *Crown*, and *William* by his Consent Suffered to Enjoy it for his Life, and no other *Circumstance* of the *Compromise* was Necessary to be Mentioned. And you know

know that *Author* has a *Short Way of Writing*, to avoid *Superfluities* all that is possible, but to keep *Close to the Point* in *Hand*.

Dr. *Hig.* I take Notice, p. 157. That all these *Mistakes* of his are in *Three Lines* of his p. 36.

Hoad. There is one *Whole Word*, and *Half a Word*, besides the *Three Lines*. And they are within *Three Lines* of the *Bottom of the Page*, not out of the *Reach* of a *Rat* who should *Nibble* at the *Corners* of the *Leaves*. But, Sir, is there any *thing Material* in these *Smart Observations* of yours, any *thing* wherein the *Cause* betwixt you Two was *Concerned*? Otherwise if he should *Slip* in a *Circumstantial*, of no *Consequence* to the *Dispute*, it will be thought very *Trifling* in you to make such a *Stir* with it, and *Crow* over him as for a *Victory*!

Dr. *Hig.* I must Hit him where I can. But as I say, p. 176. *I am perfectly satisfied that I did not want TEMPER.*

Hoad. I am apt to believe you thought so, and that this was very *Civil Treatment*!

Dr. *Hig.* You will *Provoke my Temper* if you talk at this Rate. What! Do you *Jeer*?

(39.) *Hoad.* No Harm, Sir, But here is just now brought to me the Statute Book, and I am resolved to see 13 Car. II. c. 13. Which you before Quoted for an *Instance* of the *Acts* of Kings *de Jure* being *Confirmed* for want of Sufficient *Authority* in the Prince. This *Act* is to vest in the King the *Arrears* due by those who had been Employed during the Rebellion, to Collect the *Duty called Excise* heretofore made payable upon Beer, Ale, and other Commodities, by any Laws or pretended Laws or Ordinances, and all Debts therefore owing &c. as if the Same Duties had been Lawfully Assessed &c.

There is another *Act* called the 13 of the 13 and 14 of Char. II. which perhaps you mean, but you should have been more Distinct. Yet there was a Reason, for it is not one bit more to your Purpose. It is an *Act* to prohibit the Importation of Foreign Band-strings, Bone-Lace, Buttons, &c. The Preamble having Named several Abuses committed in that kind, contrary to several Statutes made in the 1 of Rich. III. 3 of Edw. IV. 19 Hen. VII. and 5 Eliz. and to a late *Proclamation* dated the 15 of November then last past, for putting the said Laws in Execution. The *Act* begins thus, *For redress whereof, and prevention of the like Mischiefs for the future, be it Enacted by the King's most Excellent Majesty &c.* If this be what you mean by

by Confirming, you might have found Innumerable Instances of the like Nature in our Statute Book, or without troubling your self so much, in our Daily Votes, as Printed by Tonson or Clements. And it was Certainly a great Instance of your Temper to Mention but One out of such a Crowd.

Dr. Hig. Sir, I can make Statutes speak what I please. And I am not bound to give you an Account why I Quoted that Statute, without telling what was in it. Nor was it Manners in you to take all this Pains to Detect me. I am a great Traveller in History and Records, and I ought not to be Denied the Privilege of One. Dare you undertake me in History?

(40.) Hoad. No, not for the World! And for another Reason, because it is to no manner of Purpose in the present Case; which is to be Determined by Certain Rules of Truth and Justice; not by what Has been done, but by what ought to have been done.

Dr. Hig. This is to put a Spoke in my Wheel. It is to Answer my whole Book; for there is Nothing else in it but Old Stories, which I would make Precedents. And if these be not True in every Circumstance, and Exactly fitted to our present Case, then they are Impertinent indeed!

Hoad.

Hoad. True, *Doctor*, for you know a little Variation of *Circumstance* will make two *Cases* differ vastly. But what will you do with Contrary *Precedents*? For many such we have, as some *Acts of Parliaments* Intailing the *Crown* from the Right *Heirs*, others declaring such *Acts* Null and Void, as in the Case of *Richard Duke of York* and *Hen. VI.* May we take which of these we please?

Dr. Hig. I say in my *View*, p. 6.
" That *Precedents* I Confess are not always
" Arguments of the Strongest kind."

Hoad. Of what *Kind* then? Here you *Confess* of what *Kind* all your *Arguments* are.

(41.) *Dr. Hig.* I care not for that, so I can shew my *Parts* in *History*. See how I Mumble the *Remarker* for making *Merks* Bishop of *Carlile* a *Loyal* Man (though it is nothing at all to our *Business*) For I shew in my *Defence*, p. 39. That he Accepted a *Pardon* from *Hen. IV.*

Hoad. Was it for being *Loyal* to him? But he must be a *Disloyal* Man who would save his *Life* by Accepting a *Pardon* from an *Usurper*?

Dr. Hig. " But certainly (as I say p. 40.) his Obeying that King's (*Hen. IV.*) Summons to Parliament, and his Sitting in that Parliament, was much more.

Hoad.

Hoad. Not much, if that Parliament was called by *Rich. II.* the Lawful King, or in his Name. For then Bishop *Merk* Obeyed no *Summons* of *Hen. IV.* to Parliament. But in the Parliament Called afterwards by *Hen. IV.* in the first Year of his Reign, there is in *Dugdale's Summons to Parliament* a *Writ*, not to *Thomas Merk* Bishop of *Carlile*, but *Custodi Spiritualitatis Episcopatus Karliol, Sede vacante*. For the *Pope* (always a Favourer of the Fortunate) to Gratifie *Hen. IV.* had removed *Merk* from *Carlile*, and gave him the Title of Bishop of *Samos* in *Greece*. And *The English Constitution fully Stated*, p. 20. tells you, " That the Parliament in which Bishop " *Merk* Sat was Summoned not in *Hen. IV.* " but in *Rich. II's Name*. And that Bi- " shop *Merk* in his *Speech* calls the One " King *Richard*, the Other Duke *Henry*, " or the Duke of *Lancaster*, concluding " (as it is in *Trussel*, p. 54.) That King " *Richard* remaineth still our *Sovereign* " *Lord*.

(42.) *Dr. Hig.* I take Notice of this *full Stater*, and spend four Pages upon him, beginning at p. 99.

Hoad. And what *Answer* do you give to this?

Dr. Hig. None at all! — But I *Despise* him much! And *Claw* him off for

a Mistake (as I think) in Point of *Time*, as to the *Oath* taken by *Richard Duke of York* to *Hen. VI.* which he says was upon the Agreement made betwixt them the 39th of *Hen. VI.* But I shew that the *Duke* took *Oaths* to him the 30th and 31th *Hen. VI.* which I say were the *Oaths* I meant. It is true they were all *Oaths of Allegiance* to *Hen. VI.* So that the *Argument* is not much Concerned in the Matter. But he gave me Room to say, That he had mistaken my Meaning. And thus I Correct him for it, p. 100. " Now it is not plainer in " Numeration, that 31 goes before 32, " and that 39 is after both these Num- " bers, than it is in *Stow*, that the Dukes " Oath, on which I laid so great a Stress, " was taken by him in the 30th Year, " repeated Twice in the 31th Year of " *Hen. VI.* and that the Agreement was " not made till the 39th Year of that " King.

Hoad: But, Sir, in your *View*, p. 55. you say, That the *Oath* on which you lay the *Particular Stress*, and which you there set down, was in the 29th Year of his (*Hen. VI's*) Reign. Now may not the *full Stater Return* your *Insult*, and say, That it is not plainer in *Numeration*, that 31 goes before 32, than that 29 goes before 30 or 31? But he would be a *Trifler*, and *Studiois* to Avoid the *Question*, who should

should take hold of such *Mistakes*, and spend Time upon them. The *Question* you were upon was concerning *Non-Furors* in *Hen. VI's Reign*, and the Earlier that *Richard Duke of York* took *Oaths* to *Hen. VI.* it Clears the Matter the more why we should not find *Non-Furors* in that Time, since (as I have told you before) none is Obliged to set up His *Right* who *Disowns* it Himself. But this did not hinder them from Adhering to the next *Heir* as soon as he set up his *Claim*, all their *Oaths* notwithstanding; the *Answer* of *Richard* to which Objection I have set down already, That *Oaths* against *Right* and the *Law of God* do not Bind.

Dr. *Hig.* If you stop me from my *History* and *Chronology*, you shut up my Mouth! And though the *full Stater* Writes like a Gentleman of *Sense* and *Learning*, yet I tell him, p. 101. That he had Read *Stow* backwards. And where he makes a *Modest Apology* for his Performance, as a *Business he was Unaccustomed to*, and like to go on *Slowly*, and to be but *Aukwardly* done at last, I reply *Smart* upon him, p. 103. In this I perfectly Agree with him. And say, p. 102. That after this, I shall want the Reader's *Excuse*, if I should take any further Notice of it. And so I take my *Leave* of him.

Hoad. Very *Civilly* indeed! And a full *Answer* to all his *Book*! Which yet has the Fortune to be better Esteemed by Others than by you, *Doctor*.

(43.) *Dr. Hig.* That is by *Men of Leisure*. But however I will keep my *Temper*.

Hoad. No, *Doctor*, I would have you *Change* it, if any Body will *Change* with you. It is too *Haughty* and *Insulting* to be Born, except by Men of another fort of *Temper*. I dare say, if you knew the *full* *Stater* you would *Blush* for your *Rude* Treatment of him.

Dr. Hig. I am sure I designed to Avoid *Ill Manners* all that I could.

Hoad. Then it seems it was not in your Power. And you are not yet well enough Acquainted with your own *Temper*!

(44.) But ther is one thing I had almost forgot, which is the Request *N. B.* made to you at the Close of his *Letter*, That you would be pleased to give us a little more *Scripture* for the Satisfying of *Conscience*, rather than your *Year-Books* and *Annals*, whose Authority is very Uncertain.

Dr. Hig. I cannot Gratify you nor him in this. He pressed me to it, and brought several *Instances* out of *Scripture* against me. But I have wholly Waved them. And if you

you cannot Guess the Reason, I shall not tell you.

But what has the *Bible* to do with *England*? The *Annals of Waverly*, and *Bagot's-Case*, shew us the *Constitution* much better.

Hoad. What is *Bagot's-Case* to me, or how it was Determined? How many *Judgments* have been *Reversed*? And one *Chief Justice* has as much Authority to make *Precedents* as another. But ther is one *Circumstance* in that *Case* makes it of less Weight with me. It was about Half a Year before the *Revolution*, when *Edw. IV.* was *Dispossessed*. And we may Reasonably suppose the *Judges* then would not be over Forward to Affront *Hen. VI.* just Ready to Re-Mount the *Throne*.

(45.) But as to the *Laws*, and the Difference they make betwixt a *King de Facto* and *de Jure*, which is your whole *Cause*, I desire to Remind you of Two Points wherein the whole *Stress* of the *Cause* does lye, That you overlook them not, and give no *Answer* to them.

The First is, That you would shew in all our *Statute Book* any *Act* of an *Usurper* or a *King de Facto* that was Allowed by the next Succeeding *King de Jure*, where ther was not a *Compromise*.

The Second is, To shew any *Act* of a *King de Jure* that was *Confirmed*, for want of

of Sufficient *Authority* in the *Prince*. [Except the fore-mentioned of the 12 and 13 *Car. II.*]

If neither of these can be done, the *Cause* is Determined all at once, as to the Difference of Kings *de Facto* and *de Jure* by our *Laws*.

Dr. *Hig. Richard III.* was an *Usurper*, and there was no *Compromise*. Yet his *Laws* stand good to this Day.

Hoad. He was Succeeded by *Hen. VII.* who was an *Usurper*. And one *Usurper* would not *Vacate* the *Laws* of another for being an *Usurper*. And *Hen. VIII.* could not do it without *Reflecting* likewise upon his own *Father*. Nor *Edw. VI.* *Q. Mary*, or *Q. Elizabeth*, without the same *Reflection* upon their *Grandfather*. And *Jam. I.* being of another *Nation*, and knowing Many of the Great Men of *England* not well Affected towards him, was Content to take their *Laws* as he found them, and not to *Unravel* what had been Received as *Law* for Five *Reigns* before him. And less Reason had any who Succeeded him to do it. The *Laws* being Good as to the *Subject*, and not Prejudicial to the *Right* of the *Crown* or the *Succession*.

These are all the *Laws* in our *Statute Book* made by any *Usurper* which Stand good without a *Compromise*. And these Stand upon the *Presumptive Consent* of the Succeeding *Rightful Kings*, who by Suffering

ring them to be Pleased as *Laws* for so long a Time, have *Confirmed* them as such.

And, *Doctor*, it does not shew you to be over Conversant with the Best *Divines* and *Lawyers*, when you Ridicule this *Presumptive Consent*, upon which they all *Insist*. See *Grotius de Jur. Bell. & Pac.* Lib. i c. iv. n. xv. *Bishop Sanderson Praelect.* 5 *de Leg. Human. Oblig.* Sect. 21. *Puffendorf. de Jur. Nat. & Gen.* Lib. vii. Cap. viii. §. 10, where you will see great Use made of the *Presumptive Consent* of the Rightful *Prince* in Case of *Usurpation*. And he sets this down as a Rule, That neither the *Consent* or *Agreement* of the *Subjects*, nor their *Oaths* to the *Usurper*, can take away the *Right* and *Pretensions* of the *Lawful King*. *Neque vero Civium Pactum, & Fides Invatori data Legitimi Regis Jus atque Pretensionem videtur tollere posse.*

They tell us likewise that *Laws* made by *Usurpers* do not bind the *Conscience*. But yet may obtain the Force of *Laws* by *Custom*, if they are Permitted to stand, or Tolerated by *Lawful Kings*, as having thereby their *Presumptive Consent*. *Ex eo quod ab Imperium habente toleratur. Grot. de Jur. Bell. Lib. ii. Cap. iv. §. v. N. 2.* And he says, *ibid. Cap. xvi. §. xvii, xviii.* speaking of a *King* driven out of his *Kingdom* by his *Subjects*, That *Jus Regni penes ipsum manet, ut cunque Possessionem amiserit.* And speaking of

of the *Usurpers*, says, *Hi Possessionem habent, Jus non habent* — — *Et Odiosa est Invasorum Causa*. That a *King* dispossessed by his *Subjects* has Still the *Right* to the *Kingdom*, however he has lost the *Possession*. That the *Usurpers* have the *Possession*, but not the *Right*. And that their *Cause* is *Odious*.

And *Gulielmus Grotius* Brother to *Hugo Grotius*, and an Eminent *Lawyer*, in his Book *De Principijs Juris Naturalis*, Cap. xv. §. vii. Speaking of *Contracts* and *Agreements*, Condemns all that are made by *Subjects* against their *Prince*, or without his *Consent*, because the *Inferiour* can do nothing against the *Will* of the *Superiour*. *Quod Inferior contra Superioris Voluntatem nihil potest efficere*. — — And *Ea quæ contra Leges sunt Irrita esse*: That all are *Void*, which are made contrary to the *Laws*. *Et si Stipulatio interposita sit de his, de quibus stipulari non licet, servanda non est, sed omnino rescindenda*. That any *Stipulation* made in things where it is not *Lawful* to *Stipulate*, ought not to be *Kept*, but altogether *Rescinded*.

Sir, These things are in flat *Contradiction* to your *Hypothesis* in all the Parts of it. And it would not have been *Unbecoming* you to have made your Way to it by first *Considering* what *Learned Men* have said concerning the *Law of Nations*, and the *Nature of Laws* in *General*, without *Confining* your self to the *Narrow Compass*

Compass of a few Cases in our Tears-Books, which yet make nothing to your Purpose.

You lay your whole Stress upon the Consent of the States. To make which good, Two things are Incumbent upon you, from the Authorities I have Quoted. First, To Prove that the King is not Superiour to the States. And then what becomes of your Supreme and Sovereign Authority of the Prince? And Secondly to Shew that the Stipulation by them made for Transferring their Allegiance &c. was Lawful. And you must Produce your Laws to this Purpose. For if either of these Requisites be Wanting, then, by what is said before, the Stipulation is Void, as well as Wicked.

But there is a Living Authority may be of greater Weight with you. It is the Learned Dr. Cumberland, now Bishop of Peterborough, in his Book *De Legibus Naturae*, wrote chiefly against Hobbs and his Followers, where he affirms, p. 386. Edit. 1672 That the Paternal Dominion is the true Origin of all Power Civil and Ecclesiastick; That the first Family was the first Civil Society and the first Church, and as Families increas'd in Number, so did States and Churches, and that as this Account agrees with the Nature of things and with right Reason, so also with the Divine Mosaic History.

This is directly against me; but he falls most heavily upon you, p. 420, where he charges your *Hobbian Principles*, as the greatest Encouragement of the People to Rebellion, because they give the Rights of Sovereignty equally to those who have ascended the Throne by Sedition and impious Regicide, and to Kings who have their Authority by the justest Title.

You make no Difference between *Charles* and *Oliver*, if the *Protector* gets Consent, which will always follow Possession; and the same Author observes, that *Hobbs* publish'd his *Leviathan Quo tempore triumphabat in Britannia Rebellio, & Legitimus Rex exulabat*: He has cited likewise the Saying of *Hobbs* himself in his Epistle before his *Leviathan*; That he defended the Sovereign Powers in being, as the *Geese* did the *Romans* in the *Capitol*, by their Gaggling, ready with the same Noise to defend the *Gauls* if they had got possession of the *Capitol*. You write for the Sovereign in Possession; but if he is unjustly dethron'd, you turn your Argument against him, and your Gaggling is for the Intruder. Thus that Learned Author has Reason to conclude his Book as he does; *That Hobbs with one Hand offers Gifts to Princes, while with the other he perfidiously thrusts a Sword into their Hearts.*

Hobbs

Hobbs 'tis true had something to say for himself, according to his *Principle*, That by *Nature* every Man has a Right to every thing, and so to a *Crown* if he can Get it. And my *Principle* is, That if the *Government* do not Right, or shew an *Inclination* to *Tyranny*, the *Subjects* may Throw it off, and Recurr back again to the *State of Nature*. But how you will get off who Assert *Divine Right*, and yet make *Usurpation* to *Extinguish* it ; and at the same time Deny the Power of the *People*, is left to your own *Wit* to Explain ! Till when, your *Scheme* will appear as *Pernicious* and more *Contradictory* than that of either *Hobbs*, *Hoadly*, or *Hottentote*.

(45.) *Hott.* Gentlemen, I have Listen'd long to your Dispute. And perhaps I may put an End to it. It is a *Principle* in our *Natural Religion*, that if one Man has done *Injury* to another, he ought to make *Reparation*, as far as in his Power. I desire to know whether it be so in your *Christian Religion* ?

Hig. } Most Certainly. It is a *Maxim*
Hoad. } with us, *Non Dimititur Peccatum, nisi Restituatur ablatum*. That the *Sin* is not *Forgiven*, unless we *Restore* what we have *Unjustly* taken from another, that is, as far as it is in our Power.

Hott. And you both own the *Usurpation* of a *Crown* to be a very *Unjust* thing?

Hig. Yes. We both own that.

Hoad. Only I Mr. *Hoadly* think it no *Usurpation* if the *People* *Dispossess* the *Prince*, because we *Whiggs* think they have *Just Power* so to do. But I Dr. *Higden* who do not own this *Power* in the *People*, but *Tye* them up to *Absolute Non-Resistance*, do think the *Dispossession* of the *Prince*, upon any *Pretence* or *Cause* what-*soever*, and the *Setting Another* upon his *Throne*, to be *Manifest Usurpation*, and a most *Heinous* and *Damnable Sin*.

Hott. And do not you, Dr. *Higden*, think that the *Usurper* is *Obliged* in *Conscience* to make *Restitution*.

Hig. Yes, I think so, because otherwise his *Repentance* will not be *Accepted*. But yet I believe his *Subjects* are *Obliged* in *Conscience* to *Own* him, to *Swear* to him, and to *Fight* for him against the *Dispossessed Prince*, according to our *Laws* and *Constitution*.

Hott. Are your *Laws* then against *Conscience*? Or is there one sort of *Conscience* for the *King*, and another for the *Subjects*? Will the *Usurper* be *Damned* for not making *Restitution*? And go not these the same Way who hinder him from doing it, by *Assisting* him to *Maintain* his *Usurpation*? Have you one *Gospel* for the *Prince*, and another

another for the *Subject*? Is not *Robbery* and *Injustice* the same whoever does it?

But if the *Usurper* is Obliged, upon Pain of *Damnation*, to make *Restitution*, are not you Obliged to *Tell* him of it, to *Exhort* him, and even to *Compel* him by all your *Spiritual Arms*, to make *Hast* to do it, not to *Delay* one *Minute*, for that he is in the State of *Damnation* till he does it; and if he should *Dye* before he does it, That his *Condition* is without *Hopes* or *Recovery*? Would you give him the *Sacrament*, or *Absolution*, while he *Persists* in his *Sin*? And will you, at the same time, *Preach* to all the *Subjects*, That they are Obliged, upon Pain of *Damnation*, to Maintain him in his *Ill-gotten Possession*, for which, without *Restitution*, you say he will be *Damned*? Will an *Act* of *Parliament*, or the *Consent* of the *States*, be *Pleadable* at the *Day* of *Judgment*, if it be to an *Unjust* thing, to *Wrong* and *Robbery*?

Hig. I have Nothing else to Trust to. If the *Laws* Deceive me, I am Deceived.

Hoad. O *Horrible*! It is time to have done when we are come to this! What do you say to the Case that *David* puts, of *Iniquity* being *Established* by a *Law*? You allow *Usurpation* to be an *Iniquity*, and Plead for it only because it is *Established* by a *Law*! And a *Law* of the *Usurper's* own making!

Hott. Indeed, Mr. *Hoadly*, I think you the more *Reasonable Man* of the *Two*. Yet you are not far behind him, for you make the *Voice of the People* such a *Law* as he does the *Consent of the States*. But you have a *Salvo*, for by the *People* every one of you means only *Himself*. And you can Oppose ten Thousand of the *People*, for the Good of the *People*, and in the *Name* of the *People*! So that you are Tyed to no *Law* of the *People*, but what you think *Good* and *Right* your self. But Dr. *Higden* thinks that what is most *Wicked* and *Damnable* in it self, becomes *Just* and *Right* when it gains the *Consent* of the *States*! But why then, Doctor, did you call your *Book* the *Sovereignty* of the *Prince*? You should have called it the *Sovereignty* of the *States*. For you Place the whole *Sovereignty* in Them, Independent on the *Prince*. Because if the *States* should withdraw their *Allegiance* from their *Lawful King*, and Transfer it to an *Usurper*, that *Usurper* (by your *Doctrine*) becomes your *True* and *Lawful King*, and the *Right* of your *Yesterday's Lawful King*, and of his *Heirs* for Ever, is utterly *Extinguished*! And it is not the *King*, but the *States* that can do no *Wrong*!

Now my Advice to you Both is, to Burn your *Bibles*. Since you have got other *Rules* whereby to steer your *Conscience*;

of

of which you say, That *Lawyers* are better *Guides* than *Divines*. And if so, ther is one *Tribe* may be more easily Spared ! And the *Judges* ought to have the *Bishops* Votes in the *House of Lords* !

Exit Hottentote.

THE

EPILOGUE,

Spoken by the Doctor, and Mr. Hoadly, on Account of the Doctor his Sermon last 30th of January.

Hoadly. This is the *Madding Day* of you *Tories*. And you have made *Mad Work* with it, *Doctor*. You *Call* King *Char. I.* a *Martyr*. But you have *Proved* him a *Malefactor*, a *Rebel*, and a *Traitor*, if your *Doctrine* be *True*.

Doctor. No, Sir, it is your *Doctrine* of the Power of the *People*, by which you say he was *Justly Condemned*.

Hoad-

Hoad. And you have put the same Power in the States. How does that mend the Matter?

Dr. I do not put it in the States. I say not that the States have a Right to Rebel.

Hoad. But have the States a Right to transfer their Allegiance from your Lawful King to another? Can their consent Deprive the One of his Right, and give it to the other.

Dr. (aside) Let me see — If this be Granted, then the Sovereignty must be in the States, and they may Change Kings every Hour of the Day. But if they have not a Right to Transfer their Allegiance, then they are Rebels and Traytors if they do it. If they have no Right to Consent, their Consent is nothing in Right, and Nothing will add Nothing to the Title of an Usurper — I think I am got into a Cleft-Stick — But I must Answer.

[He turns to Mr. Hoadly.]

Sir, this is a *Captious* Question. And no Man of Honour is obliged to take Notice of it. I see whither you are *Decoying* me. But I am satisfied, and still Insist that Oliver had not the Consent of the States.

Hoad. He had the Consent of his own Parliaments and all the Nation, as much as ever any King had. He was Recognized at Home, and Owned and Treated with Abroad.

And

And none Durst open his Mouth against Him, under Peril of *Treason*. If these *Estates* then were Part of the *Nation*, he had their Consent too as much as of the *Nation*.

But, Sir, you say in your *Sermon*, p. 19. That the *Authority of the Sword*, is the *Sovereignty it self*. Now I think you will not Deny but that K. *Char. I.* had lost the *Authority of the Sword* before his *Tryal*. And consequently he had lost the *Sovereignty it self*. And how was he then our *Sovereign*?

Dr. They called him *King* at his *Tryal*.

Hoad. As the *Soldiers* said to *Christ*, Hail *King* of the *Jews*, when they were going to *Crucifie* Him. Do you think that *Bradshaw* and the *High Court of Justice* did look upon King *Char. I.* as their *Lawful King* and *Sovereign* while they were *Sitting in Judgment* upon him? This is putting *Fests* upon us instead of *Argument*.

But suppose *Oliver* had taken the *Title* of *King* before the *Tryal*, and the *States* had *Transferred* their *Allegiance* to him, and he had *Granted* a *Commission* to Try King *Char. I.* Would not all this have been *Just and Legal*?

Dr. You put *Odious Cases*. And such are not to be *Answered*. I still Except *Oliver*, and the *Case of the Martyr*. But
Barring

Barring this, in all other Cases it shall be Lawful!

Hoad. That is, in all Cases that are *Popular*, and *Swim* down the *Stream*. But if any *Case* have a General *Odium* cast upon it (as who knows?) then you will *Except* that *Case* too!

Dr. Sir, You are very *Insulting*.

Hoad. That comes well from You! I have been *Corrected* for my *Domineering* and *Disdainful* Way of *Answering*, and *Boasting* of *Demonstration* where ther was least *Reason* for it. But you have so far outdone me, that I hope my little *Sav-ciness* will hereafter be forgotten. You *Dictate* as *Magisterially* as to your Boys at *School*, I learned a little of it too at *Hackney*.

Dr. Leave off your *Impertinence* — But chiefly your *Whigg-Principles*. And mind the Caution I give at the Close of my *Sermon*, p. 32. where I say, Let us Guard “against all Approaches to this Sin; (of “*Rebellion*) all Dangerous Tenets, that “Threaten the Thrones of Princes, and “the Peace of Societies.

Hoad. And is ther no *Approaches* to this *Sin*, no *Threatning* to the *Thrones* of *Princes*, and to the *Peace* of *Societies*, in *Asserting* a *Just* and *Legal* *Right* in the *States* to *Transfer* their *Allegiance* from their *Lawful Sovereign* to every *Usurper*? Without which

which supposed, your whole *Argument* falls to the *Ground*? Is not this to make the *States* a *Sovereign* over their *Sovereign*, to make the *King* a *Subject*, and the *Subjects* to be the *King*? Is not all this *Implied* in Placing a *Right* in the *States* to Extin-
guish the *Right* of their *King* and his *Heirs* for Ever? And to Settle it on *Oliver* and his *Heirs* for Ever, and so on *Cade* or *Straw*, or *Massanello*. And do you Ridicule us for Placing this *Power* in the whole *Body* of the *People*, of whom the *States* are but a very sinall Part, and all made by the *King*? But the *People* were not made by *Him*. And therefore our *Principle* of Placing the *Supreme Power* in the *People* is much more *Tenable* than your *New Invention* of putting it in the *States*. All allow that the *King* ought to Govern for the *Good* of the *People*. But I never heard any say, That it was for the *Good* of the *States*. It is Certain that *People* were before *Kings*, ex-
cept only *Adam*. And it is as Certain that *Kings* were before the *States*, which were made by them, to help them to Govern, as *Ministers* under them, who *Act* in their *Name*, and by their *Authority*; who *Swear Allegiance* to them, and are as much their *Subjects* as the meanest *Peasant*.

And if these have *Authority* to Trans-
fer their *Allegiance*, and so to *Un-King* their *Sovereign*, why not to *Try* him too? It
seems

seems most Equitable to *Hear* before we *Condemn*, and to let the *Prisoner* have *Liberty* to make his *Defence*.

Dr. But they did not give the *King* that *Liberty*. The *Court* Over-Ruled him and would not Suffer him to Speak.

Hoad. Because he would not own the *Authority* of the *Court*, and Refused to *Plead* to his *Indictment*. Therefore they might have *Pressed* him to *Death*, and it was *Mercy* in them to give him a *Milder Sentence*. And though he had been *Innocent* of all laid to his *Charge* in the *Indictment*, yet in this he was *Guilty* of *Treason* and *Rebellion* against the *Supreme Authority* of the *People*, which he *Denied*.

Dr. He had *Reason*, for all those you call the *People* were his *Subjects*.

Hoad. And were not those you call the *States* so too? Now let us *Change* the *Terms*, and instead of *People* or *States* put in *Subjects*, and all your *Amusement* will *Appear*. For will you *Allow* that *Subjects* may *Depose* their *King* and *Extinguish* his *Right*, by *Transferring* their *Allegiance*? If not, then the *States* can no more do it than the *People*. But if the *States* may do it, then why not the *People*? For whence have the *States* their *Authority*? If from the *King*, then they can have no *Authority* over *Him*, nor can *Determine* of His *Right*. But if from the *People*, then may not the *People*

People themselves do as much as their *Substitutes* and *Representatives*? Therefore your not Allowing the *People* to *Transfer* their *Allegiance*, but Allowing it to the *States*, is a meer *Amusement*, and a *New Difficulty* you have brought upon your self, only to get Rid of the *Instance* of *Oliver*. But it has *Involved* you more than you were before: You can never Stand upon this *Ground* you have now Chosen. I wish you may Change it for *Repentance*.

F I N I S.

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Obedience to *Civil Government* clearly Stated: Wherein the *Christian Religion* is Rescu'd from the false Notions pretended to be drawn from it; and Mr. *Hoadly's* New Scheme in his last Book of the Origin and Form of *Civil Government*, is fully consider'd.

